



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

### Regular Meeting

**TUESDAY, JUNE 24, 2003**

Closed Session – 9:00 a.m.

Regular Meeting – 10:00 a.m.

MERCED COUNTY  
ADMINISTRATION BUILDING  
2222 "M" STREET  
BOARD ROOM, THIRD FLOOR  
MERCED, CALIFORNIA 95340  
(209) 385-7366

GLORIA CORTEZ KEENE.....DISTRICT 1  
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

RUBEN E. CASTILLO  
COUNTY COUNSEL

*All supporting documentation is available for public review in the Office of the Clerk of the Board of Supervisors located in the County Administration Building, Third Floor, 2222 "M" Street, Merced, California, 95340  
During regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday.  
(209) 385-7366*

### **SCHEDULED ITEMS**

9:00 A. M.

**CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATOR:**

It is the intention of the Board to meet in Closed Session concerning a Conference with County Executive Officer-Real Property Negotiator(s) pursuant to Section 54956.8 as follows:

Property: Castle Airport Parcel  
Negotiating Party: Dave Snyder

**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: Pro Se Services v. Merced County et al., Merced County Superior Court Nos. 146815, 146816, 146859

San Joaquin Raptor Rescue Center, Protect Our Water and Merced River Valley Association v. County of Merced et al. Merced Superior Court No. 145941

**THE BOARD RECESSED AT 9:00 A.M. WITH ALL MEMBERS PRESENT TO MEET IN CLOSED SESSION AND RECONVENED AT 10:00 A.M. AND THE CHAIRMAN ADVISED STAFF HAS BEEN GIVEN DIRECTION**

10:00 A. M.

**PLEDGE OF ALLEGIANCE**

**PRESENTATION OF SERVICE PIN AWARDS**

**35 YEARS OF SERVICE**

David Jones, Public Works

**25 YEARS OF SERVICE**

Kent Christensen, Assessor

Kathryn Hassett, Human Services Agency

Gary Comer, Mental Health

**20 YEARS OF SERVICE**

Rockie Xiong, District Attorney

**A RECEPTION WILL BE HELD IN ROOM 310 IN HONOR OF THE SERVICE PIN AWARDS**

**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)**

**REVIEW BOARD ORDER – SEE PAGE 11**

**UC MERCED PROJECT - LIAISON REPORT**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) Auditor-Numerous Departmental Accurals; General Services-\$237,000; Planning-\$30,000 and Health-\$79,000

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items #1 - 34)

**MODIFIED APPROVAL DELETING ITEM #20 FROM APPROVAL AYES: ALL**

10:00 A. M.

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

**ADDED AGENDA ITEM**

**REVIEW BOARD ORDER – SEE PAGE 11 AND 12**

**THE BOARD FINDS THE NEED TO CONSIDER THE ELIMINATION OF DEBT RELATED TO CENTRAL DUPLICATING SERVICES AROSE AFTER THE POSTING OF THE AGENDA AYES: ALL**

10:30 A. M.

**PLANNING - PUBLIC HEARING**

**Appeal of the Planning Commission denial of Zone Variance Application No. 03001 and Minor Subdivision Application No. 03003 - David Reece**

Application is to vary from the minimum 20-acre parcel size in the A-1 (General Agricultural) Zone and to divide a 11.2-acre parcel of land into two parcels: Parcel 1-1.7 acres and Parcel 2=9.50 acres on property located on the north side of Bradbury Road and 1,000 feet east of Pepper Street in the Ballico area

**REVIEW BOARD ORDER – SEE PAGE 12**

**PLANNING - PUBLIC HEARING**

**2003 Cycle II General Plan Amendment** - Adoption of Resolution General Plan Amendment No. 02006, Zone Change Application No. 02007 – Avila and Spinazze

General Plan Amendment No. 02008, Zone Change Application No. 02009 - Willson and Moneyham

**REVIEW BOARD ORDER – SEE PAGE 13**

**BUSINESS-ECONOMIC OPPORTUNTIES – PUBLIC HEARING**

To consider the \$35,000 Final Application to design a Countywide Manufacturing Institute and to prepare grant applications to fund the development of the Institute with the Calif. Dept. of Housing and Community Development Block Grant Program

**REVIEW BOARD ORDER – SEE PAGE 13**

**REPORTS/BOARD DIRECTION**

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

**LUNCH BREAK**

1:30 P.M.

**FY 2003-2004 PROPOSED BUDGET**

**A. EXECUTIVE OFFICE RECOMMENDATIONS:**

1. Adopt the Proposed Budget for FY 2003/2004 as an Operating Budget until the Board adopts a Final Budget.

2. Direct that no expenditures be made for any item requiring policy direction, as listed in the Proposed Budget, without specific Board authorization.

3. Direct that no Fixed Assets recommended in the Proposed Budget be purchased until adoption of the Final Budget without specific Board authorization.

4. Provide copies to all interested people and advertise Final Budget Hearings to commence August 26, 2003 at 1:30 p.m.

5. Schedule the Public Hearing on Prop 4 Appropriation Limit on August 26, 2003 at 2:30 p.m.

6. Direct Administration to identify actions necessary based on the outcome of the Final State Budget and present recommendations at or before Final State Budget and present recommendations at or before Final Budget Hearings.

7. Direct Management Services to initiate Reduction in Force procedures in accordance with Section 2.W. of HR Rules and Regulations and to attempt to relocate the employees in the positions identified for deletion at Final Budget to funded positions.

8. Establish Budget Unit 27900 Fish and Game Merced Fly Fisherman in Fund 1510.

9. Approve the consolidation of Court Security positions from Budget Unit 22000 into Budget Unit 22100 and adopt Resolutions.

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

**B. CHILD SUPPORT SERVICES - Approval of Personnel Actions related to Reduction in Funding for FY 2003/2004**

1. Authorize notification of Reduction in Force (RIF) effective July 16, 2003 pursuant to HR Rules and Regulations, Section 2.W.12; Merit System Rules & Regulations and the Calif. Admin. Code, affecting one Supervising Child Support Specialist, two Staff Development, one Supervising Child Support Specialist, two Child Support Specialist III, one Child Support Specialist I/II, two Child Support Assistant I/II, one Legal Clerk, three Child Support Special Program Coordinators, one Child Support Compliance Specialist, one Child Support Legal Assistant and one Child Support Investigator.

2. Delete the listed 15 vacant positions: Staff Services Analyst #47, 97, 127; Supervising Child Support Specialist #101; Child Support Specialist I/II #62, 123; Child Support Compliance Specialist #145 and Child Support Assistant #34, 37, 66, 75, 77, 104, 113 and 150.

3. Adopt Resolution.

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

**C. EXECUTIVE OFFICE - FY 2003-04 Proposed Budget Personnel Issues:**

1. Transfer all Court Security positions from Budget Unit 22000 to BU 22109.

2. Effective August 25, 2003 allocate six Juvenile Institution Officer III, Range 60.1 and two Juvenile Institution Officer I/II, Range 56.1/58.1.

3. Authorize the deletion of positions previously unfunded during FY 2002/03.

4. Approve Salary Adjustments effective the first full pay period in July. 0.5% to the classifications of Deputy Sheriff I/II in Bargaining Unit 2; 3.0% to all classifications in Bargaining Unit P; 2.5% to all classifications in Bargaining Unit 3; 3.0% to all classifications in Bargaining Units 4, 5, 6, & 8; 3.0% to all

classifications in Level A, B, C, D and E Unrepresented Management; 2.0% to all classifications in Bargaining Unit 7.

5. Add one Deputy Probation Officer I/II/III, Range 60.1/62.1/65.1.
6. And adopt Resolution.

**REVIEW BOARD ORDER – SEE PAGE 16**

**D. PLANNING – Redevelopment Agency consideration**

Board Direction for pursuing the establishment of a redevelopment agency for Merced County including the identification of potential project areas.

**REVIEW BOARD ORDER – SEE PAGE 16 AND 17**

**E. GENERAL SERVICES – Contract Policy:**

Adopt the Contract Policy and direct General Services and Executive Office to work with all County Departments in carrying out such policy.

**REVIEW BOARD ORDER – SEE PAGE 17**

**CONSENT CALENDAR (Items # 1 - 34)**

**MODIFIED APPROVAL DELETING ITEM #20 FROM CONSIDERTION AYES: ALL**

**Public Works**

1. Adopt Resolution authorizing designating the intersection of Pear Avenue and Myrtle Avenue as part of Rockwood Estates Subdivision as a Stop Intersection in the Winton area.

**ADOPTED RESOLUTION NO. 2003-103**

2. Adopt Resolution designating the intersection of Plum Avenue and Vine Avenue as part of Rockwood Estates Subdivision as a Stop Intersection in the Winton area.

**ADOPTED RESOLUTION NO. 2003-104**

3. Adopt Resolution authorizing Public Works Director to file Transportation Enhancement Activities (TEA) Exchange Funds claim in the amount of \$131,341 for Fiscal Year 2002-2003.

**ADOPTED RESOLUTION NO. 2003-105**

4. Adopt Resolution authorizing Public Works Director to sign Regional Surface Transportation Program (RTSP) Exchange Fund Apportionments Claim for FY 2002/2003 and submit claim to Merced County Association of Governments (MCAG).

**ADOPTED RESOLUTION NO. 2003-106**

5. Adopt Resolution honoring Shirley Winton for 23 years of service to the County of Merced.
6. Approve plans and specifications for Los Banos Veterans Memorial Building Parking Lot Repair in the amount of \$29,000, authorize Public Works to advertise, award and execute as long as within approved budget and return to the Board regarding actions taken.

**Public Works-Castle**

7. Approve and authorize Chairman to sign Amendment to Contract No. 200187 with Dept. of the Air Force to accommodate Air National Guard's potential move to Castle.

**Clerk-Registrar of Voters**

8. Certify Election Results of the Special Election held on May 13, 2003 in the Merced City School District.

Sheriff

9. Approve and authorize Chairman to sign Amendment to Contract No. 2000197 with Sentinel Monitoring for home surveillance monitoring services for inmates residing in their homes for an additional year.

Business-Economic Opportunities

10. Approve and authorize Chairman to sign Amendment to Contract No. 200152 with Bluecrane, Inc. for FOCUS Program extension.
11. Approve and authorize Chairman to sign Renewal Contract No. 9796 with IMS Worldwide, Inc. for specified Foreign Trade Zone Consulting services.

Health

12. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2002223 with Valley Auto Wreckers for Auto Dismantler Services for Board Approved Abandoned Vehicle Ordinance No. 1677.

**ADOPTED RESOLUTION NO. 2003-107**

Mental Health

13. Approve and authorize Chairman to sign Renewal Contract No. 10424 with Mission Linen Supply for Laundry Services to Marie Green Facility.
14. Approve and authorize Chairman to sign Renewal Contract No. 2000206 with Seventh Avenue Center for special services for clients who have severe behavioral problems.
15. Approve and authorize Chairman to sign Renewal Contract No. 7199 with Community Social Model Advocates, Inc. to provide men's and women's alcohol and drug residential recovery services.
16. Approve and authorize Chairman to sign Renewal Contract No. 2002184 with Merced City School District to provide educational program services for students referred to Merced County Alcohol and Drug Services adolescent program.

Ag. Commissioner

17. Approve and authorize Chairman to sign Renewal Contract No. 6784 with Sergeant's Wholesale Biologicals for bio-medical educational usage.
18. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 7513 with Calif. Dept. of Food and Agriculture for Insect Pest Detection/Prevention.

**ADOPTED RESOLUTION NO. 2003-108**

19. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 6777 approved by the Board on May 13, 2003 with Calif. Dept. of Boating and Waterways for the Water Hyacinth Treatment and Control Program on the Merced and San Joaquin Rivers.

**ADOPTED RESOLUTION NO. 2003-109**

Treasurer-Tax Collector

20. Contract with Electronic Data Systems Corporation (EDS) for an Interactive Voice Response and Internet Tax Payment System.

**NO ACTION TAKEN – PULLED FROM AGENDA**

Human Services Agency

21. Approve and authorize Chairman to sign Renewal Contract No. 9440 with Information Systems for providing Electronic Data Processing services for the Automated Welfare System.
22. Approve and authorize Chairman to sign Renewal Contract No. 200016 with Auditor-Revenue and Reimbursement for collection of delinquent accounts for the Food Stamp and Temporary Assistance for Needy Families Program.
23. Approve and authorize Chairman to sign Renewal Contract No. 10018 with Health Department for Immunization Services for CalWORKs program participants.
24. Approve and authorize Chairman to sign Renewal Contract No. 2000182 with Counsel for provision of legal services.

H.S.A.-Area Agency on Aging

25. Approve and authorize Chairman to sign Amendment to Contract No. 2001201 with California Dept. of Aging to modify funding increasing contract by \$90,809 for Respite Care.
26. Approve and authorize Chairman to sign Amendment to Contract No. 5868 with Calif. Dept. of Aging for provision of Title III and Title VII services provided to seniors.

**ADOPTED RESOLUTION NO. 2003-110**

Dept. of Workforce Investment

27. Approve and authorize Chairman to sign Amendment to Contract No. 99117 with Merced College for Registered Nurse Training for Workforce Investment Act (WIA) participants.
28. Approve and authorize Chairman to sign Renewal Contract No. 2003121 with Jobs for Calif. Graduates, Merced County, Inc. to provide workforce development services and activities for out-of-school youth, ages 17-21.
29. Approve and authorize Chairman to sign Contract No. 2003122 with Merced County Office of Education for provision of employment and training services to eligible WIA Youth through ROP Program.

Executive Office

30. Approve and authorize Chairman to sign Assignment, Assumption and Consent between Gates McDonald & Company and TALX Corporation for Administration of Unemployment Compensation Insurance Services to Merced County.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003123**

31. Authorize Overhire of one Castle Administrative Assistant (position #004) for a Limited Term from June 9, 2003 through June 27, 2003.

Fire

- 32. Adopt Resolution designating Tom Wells as the Deputy Director-Administration - Merced County Office of Emergency Services.

**ADOPTED RESOLUTION NO. 2003-111**

Board Recognition

- 33. Authorize Certificate in Celebration of Merced District Office Open House of Senator Jeff Denham on May 30, 2003.
- 34. Authorize Certificate of Recognition to Peggy Heller School in Honor or Certification as a Master School in Reading Education.

**REGULAR CALENDAR**

**BOARD ACTION**

PUBLIC WORKS

- 35. Authorize an increase in Purchase Order No. 32377 Corporation in the amount of \$59,202 for four 35 Passenger Buses for initial service to and from U.C. Merced purchased by the Transit Joint Powers Authority (financed with Federal Transit CMAQ funds and Local Transportation funds) with delivery in 2004 in anticipation of UC Merced classes beginning during Fall 2004.

**APPROVED AS RECOMMENDED AYES: 1, 2, 4 5 NOES: 3**

- 36. Authorize transfer of \$3,200 of Special Board Project Funds-District One to Sheriff's Department Canine Unit to be utilized towards the purchase of one additional Canine Officer and approve necessary budget transfer. (#93)

**APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOES: 3**

- 37. Contract with U.S. Dept. of Agriculture Farm Service Agency in the amount of \$87,819.72 per year for rental of 6,374 net usable square feet of office space at the Merced County Ag. Center.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003124 AYES: 1, 2, 4, 5 NOES: 3**

SHERIFF

- 38. Acceptance of the U.S. Army, Automotive and Armaments Command donation of gift of 15 M1 Garand ceremonial rifles to be used for the Sheriff's Honor Guard and 23 M16's to supplement the armory of the Sheriff.

**APPROVED AS RECOMMENDED AYES: ALL**

- 39. Accept six LoJack Stolen Vehicle Recovery Devices Police Tracking Computers donation for the Sheriff Department from the LoJack Corporation with no costs to the County.

**APPROVED AS RECOMMENDED AYES: ALL**

HEALTH



40. Contract with Children's Hospital of Central California to receive critical pediatric trauma services.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003125 AYES: ALL**

**PLANNING**

41. Adopt Resolution providing for the Fee Acquisition by the U.S. Fish and Wildlife Service of the Sno-Bird Ranch (Toth Property) within the Grasslands Wildlife Management area, East Division. (Amends Resolution No. 86-213 adopted August 18, 1986)

**ADOPTED RESOLUTION NO. 2003-114 AS RECOMMENDED AYES: ALL**

42. Contract with Self-Help Enterprises for Consultant Services to implement and administer Grant (#02-HOME-0619) received from Housing and Community Development for Housing Rehabilitation Assistance Countywide, including Home Program Income if any; and authorize the Planning Director to sign necessary documents to secure funding for loan applicants and reimbursement by HCD.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003114 AYES: ALL**

**H.S.A.-AREA AGENCY ON AGING**

43. Amendment to Contract No. 99157 with Calif. Dept. of Aging to modify and decrease funding to Community-Based Service Programs annually to senior citizens and approve necessary budget transfer. (4/5 Vote Required)

**APPROVED AS RECOMMENDED AYES: ALL**

**DEPT. OF WORKFORCE INVESTMENT**

44. Cancel Contract No. 200089 with Brawley Enterprises for office space located at 1108 West 16th Street-Merced effective June 30, 2003 and authorize the Chairman to sign Letter.

**APPROVED AS RECOMMENDED AYES: ALL**

45. Termination of Contract No. 200160 with Employment Development Department for office space located at 1205 West 18th Street-Merced effective June 30, 2003 and authorize the Chairman to sign Letter.

**APPROVED AS RECOMMENDED AYES: ALL**

46. Approve appointment of Mr. Edgar Perez to the Youth Council.

**APPROVED AS RECOMMENDED AYES: ALL**

**BUSINESS-ECONOMIC OPPORTUNITIES**

47. Contract with Merced County Economic Development Corporation for assistance and services to organize, implement and coordinate the new Merced County Economic Development Strategic Plan.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003126 AYES: ALL**

**AG. COMMISSION**

48. Ratify authorization for Letter to Governor's Office of Emergency Services requesting Merced County Disaster declaration for Agricultural Losses due to April 21, 2003 Hail Storm

**APPROVED AS RECOMMENDED AYES: ALL**

**EXECUTIVE OFFICE**

49. Accept Staff recommendation to not pursue further consideration of an early retirement incentive option and consider action to suspend or amend the previous Board action of May

6, 2003 regarding executive compensation.

**REVIEW BOARD ORDER – SEE PAGE 14**

**BOARD APPOINTMENTS**

50. District Two - Workforce Investment Board.

**APPOINTED JEREMIAH GREGGAINS TO SERVE AS A MEMBER OF THE WORKFORCE INVESTMENT BOARD REPRESENTING LABOR ORGANIZATIONS UNTIL JUNE 30, 2004 AYES: ALL**

51. District Four - Advisory Board on Alcohol and Other Drug Problems.

**APPOINTED VICKI HUMBLE TO SERVE AS A MEMBER OF THE ADVISORY BOARD ON ALCOHOL AND OTHER DRUG PROBLEMS REPRESENTING DISTRICT FOUR UNTIL JUNE 30, 2004 AYES: ALL**

52. Appoint Supervisor Kelsey as the designated representative on behalf of Merced County on the Proposed San Joaquin Valley Resource Conservation & Development Area & Council.

**APPOINTED SUPERVISOR KELSEY TO SERVE AS THE BOARD REPRESENTATIVE ON THE PROPOSED SAN JOAQUIN VALLEY RESOURCE CONSERVATION & DEVELOPMENT AREA & COUNCIL AYES: ALL**

**BOARD INFORMATION & POSSIBLE ACTION**

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

53. Dept. of Workforce Investment re: Update to the Five Year Plan of 2003/2004 WIA Subgrant Agreement - Receipt of the PY 2003/2004 Master Subgrant from the State which includes a youth formula allocation of \$2,017,580 effective April 1, 2003.

54. Dept. of Workforce Investment re: Resignation of Richard Becker from Workforce Investment Board.

55. Dept. of Workforce Investment re: Resignation of George Brown from Workforce Investment Board.

56. Los Banos Unified School District re: Notification of Resolution No. 16-03 adopted by the Board of Education on June 9, 2003. (On file with Clerk)

57. State Board of Equalization re: Notification of change to amendments to Property Tax Rule 462.180 Change in Ownership - Legal Entities - Review of Rulemaking File. (On file with Clerk)

58. State Water Resources Control Board re: Notice of Petition of U.S. Bureau of Reclamation requesting approval of a temporary urgency change in permit term, New Melones Dam and Reservoir, Central Valley Project under permitted Applications 14858A, 14858B and 19304.

59. Governor's Office of Emergency Services re: Notification of Application Approval - FY 02 State Domestic Preparedness Grant Program. Application in the amount of \$203,805.

**ADJOURNED MEETING UNTIL TUESDAY, JULY 1, 2003 AT 10:00 A.M.**

**BOARD ORDERS – SUMMARY ACTION MINUTES – JUNE 24, 2003**

**10:00 A.M. SCHEDULED ITEM**

**2003-06-24 PUBLIC OPPORTUNITY TO SPEAK**

The time and date previously set for the 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.

The following speak:

Lila Diaz, a Merced County employee, appears before the Board stating she was not on the RIF list but because of bumping rights has been affected.

Sugar Ray, a Merced County employee, states she is not on the list but is number two from the bottom of the list.

Human Services Agency Director Ana Pagan states H.S.A is looking at the RIF list first prior to any hiring and any employee that is layed off is eligible to interview.

Director of Information Systems Paul Clanton speaks relative to the broadcasting of the board meetings.

AFSCME Representative Kristy Waskiewicz speaks relative to the number of rounds of layoffs, the level of management that has been layed off, equitable pay, new buildings being leased and the hiring of outside people instead of in-county staff.

Department of Workforce Investment Director Andrea Baker reviews the rationale for the DWI position layoffs and still maintain services at the One Stop Shop and provide all services as prescribed by DWI law and CalWORKs contracts.

Director of Child Support Services Kris Reiman reviews the rationale for the layoffs in CSS.  
Present: Crookham, Cortez Keene, Nelson, Kelsey, O'Banion

**10:00 A. M. ADDED AGENDA ITEM**

**2003-06-24 GENERAL SERVICES**

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

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board forgives the Cost Allocation amount of \$136,121.23 and the General Fund amount of \$20,000 and approves the elimination of debt for General Services-Central Duplicating Services. Ayes: Crookham, Cortez Keene, Nelson, Kelsey, O'Banion

**10:30 A.M. SCHEDULED ITEM**  
**2003-06-24 PLANNING – PUBLIC HEARING**

The time and date previously set for a public hearing to consider an appeal to Planning Commission denial of Zone Variance Application No. 03001 and Minor Subdivision Application No. 03003 submitted by David Reece. Said application is to vary from the minimum 20 acre parcel size in the A-1 (General Agricultural) Zone and divide an 11.2-acre parcel into two Parcels: Parcel 1=1.7 acres and Parcel 2=9.5 acres on property located on the north side of Bradbury Road and 1,000 feet east of Pepper Street in the Ballico area.

Planner Desmond Johnston reviews the Staff Report and recommendations.

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

Larry Bowers, Bedesen-Cardoza & Associates, speaks on behalf of the applicant reviewing the current land use. He states the special privilege on the application is that there are smaller parcels in the surrounding area.

Ed Pattison, Merced County Farm Bureau, states the Planning Commission and Staff are maintaining consistent practices and variances are required to design and protect and preserve agriculture for a policy in the general plan.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Nelson, duly carried, the Board upholds the decision of the Planning Commission to deny the application and denies the Appeal.

Following discussion on physical surroundings and circumstances, County Counsel Ruben Castillo states the County must show that facts must exist to support the decision and if not there, there is a legal risk.

Following further discussion, Supervisor O'Banion states for the record he has not been ask to give a political favor on this issue.

The Chairman calls for a vote on the Motion on the Floor.

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

Ayes: Crookham, Nelson, Kelsey,

Noes: Cortez Keene, O'Banion

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

**2003-06-24 PLANNING – PUBLIC HEARING**

The time and date previously set for a public hearing to consider 2003 Cycle II General Plan Amendment as recommended by Planning as follows:

General Plan Amendment No. 02006 and Zone Change Application No. 02007 submitted by Avila and Spinazze, and

General Plan Amendment No. 02008 and Zone Change Application No. 02009 submitted by Willson and Moneyham.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board approves 2003 Cycle II General Plan Amendments and adopts Resolution No. 2003-112 (General Plan Amendment Nos. 02006 and 02008), Ordinance No. 1706 - Zone Change Application No. 02007 and Ordinance No. 1707 - Zone Change Application No. 02009.

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

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

**2003-06-24 BUSINESS-ECONOMIC OPPORTUNITIES – PUBLIC HEARING**

The time and date previously set for a public hearing to consider the Final Application to the California Dept. of Housing and Community Development Community Development Block Grant Program as submitted by Business-Economic Opportunities.

Business-Economic Opportunities Director John Fowler reviews the Staff Report relative to the CDBG Program availability of funds for Planning and Technical Assistance proposals.

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 authorizes submittal of the Application for a Planning and Technical Assistance Grant in the amount of \$35,000 to design a Countywide Manufacturing Institute and for the preparation of grant applications to fund the development of the Institute with the California Dept. of Housing and Community Development Community Development Block Grant, authorizes the Business-Economic Opportunities Director to sign necessary application documents and authorizes the Chairman to sign Contract No. 2003113, if award and any subsequent amendments upon review and approval by Counsel understanding a report will come back to the Board on the contract status and adopts Resolution No. 2003-113.

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

**ACTION ITEM NO. 49**

**2003-06-24 EXECUTIVE OFFICE**

County Executive Officer Demitrios O. Tatum reviews the Staff report recommending the Board not pursue further consideration of an early retirement incentive option and consider action to suspend or amend the previous Board action of May 6, 2003 regarding executive compensation.

Following discussion, Supervisor O'Banion moves, seconded by Supervisor Cortez Keene, to discontinue discussion on early retirement, suspend pay for performance board action and to take further discussion on the pay for performance as well as budget reduction days and discuss the issues with employee representatives.

Supervisor Kelsey states she has difficulty accepting pay for performance being suspended and cannot support the motion on the floor with this included. She further states she does not feel we should give automatic increases for cost of living.

Following further discussion, Assistant Executive Officer Bev Morse reviews the MoU's, COLA's and surveys used in determining the employee cost factors.

The Chairman calls for a Vote on the Motion.

Supervisor Kelsey votes "no". Motion Carries.

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

Noes: Kelsey

**1:30 P. M. SCHEDULED ITEM**

**2003-06-24 FY 2003-2004 PROPOSED BUDGET, A. EXECUTIVE OFFICE**

County Executive Officer Demitrios Tatum provides an overview of the key issues and challenges facing Merced County.

Assistant County Executive Officer Jim Brown and Deputy County Executive Officer Nancy Havens reviews the staff report and recommendations submitted for Board approval.

Supervisor O'Banion moves, seconded by Supervisor Nelson, to approve the recommendations of the Executive Office eliminating action on establishment of Budget Unit 27900 Fish and Game Merced Fly Fisherman.

Following further discussion, Supervisor O'Banion withdraws the Motion on the Floor to allow further discussion on the proposed budget.

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Later in the day, the Board continues discussion on the FY 2003-2004 Proposed Budget Executive Office recommendations.

The Board discusses exploring options of lay offs, budget reduction days, cost of living increases, early out retirements and the county jeopardy list.

Director of Child Support Services Kris Reiman reviews the funding changes that occurred that shifted them to federal and state funding.

The Board discusses the current vacancies and hiring in other departments. The Board discusses the obligations needed to be completed in order to give the employees adequate and due notice of lay offs.

AFSCME Representative Kristy Waskiewicz speaks on the time frame of the notice and planning by a department head stating she feels this is being rushed through.

Kathryn Kidd appears before the Board questioning what percentage of reduction is being made and what management levels are receiving the cuts stating she wants to make sure this is fair and equitable.

Following further discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board takes the following actions relative to the FY 2003-2004 Proposed Budget eliminating establishment of Merced Fly Fisherman Budget Unit:

1. Adopts the Proposed Budget for FY 2003/2004 as an Operating Budget until the Board adopts a Final Budget.
2. Directs that no expenditures be made for any item requiring policy direction, as listed in the Proposed Budget, without specific Board authorization.
3. Directs that no Fixed Assets recommended in the Proposed Budget be purchased until adoption of the Final Budget without specific Board authorization.
4. The Clerk make available copies to all interested people and advertise Final Budget Hearings to commence August 26, 2003 at 1:30 p.m.
5. Schedules the Public Hearing on Prop 4 Appropriation Limit on August 26, 2003 at 2:30 p.m.
6. Directs Administration to identify actions necessary based on the outcome of the Final State Budget and present recommendations at or before Final Budget Hearings.
7. Directs Management Services to initiate Reduction in Force procedures, in accordance with Section 2.W. of Merced County Human Resources Rules and Regulations, and to attempt to relocate the employees in the positions identified for deletion at Final Budget to funded positions.
8. Approves the consolidation of Court Security positions from Budget Unit 22000 into Budget Unit 22100.

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

### **1:30 P. M. SCHEDULED ITEM**

### **2003-06-24 FY 2003-2004 PROPOSED BUDGET, B. CHILD SUPPORT SERVICES**

Supervisor O'Banion moves, seconded by Supervisor Nelson, the Board approves the following Personnel Actions related to Reduction in Funding for FY 2003/2004:

1. Authorize notification of a Reduction in Force (RIF) effective July 16, 2003 pursuant to Human Resources Rules and Regulations, Section 2.W.12; Merit System Rules and Regulations and the California Administration Code Title 2. Administration Division 5, Local Agency Personnel Standards Sections 17153, 17550, 17518, 17519, 17520, 17521 and 17527 affecting one Supervising Child Support Specialist,

two Staff Development-Staff Services Analyst, two Child Support Specialist III, one Child Support Specialist I/II, two Child Support Assistant I/II, one Legal Clerk, three Child Support Special Program Coordinators, one Child Support Compliance Specialist, one Child Support Legal Assistant and one Child Support Investigator.

2. Delete the listed vacant positions: Management Level C - Staff Services Analyst #47, 97, 127; Management Level D - Supervising Child Support Specialist #101; Child Support Specialist I/II #62, 123; Child Support Compliance Specialist #145 and Child Support Assistant #34, 37, 66, 75, 77, 104, 113 and 150 and adopt Resolution No. 2003-116.

The Chairman calls for a Vote on the Motion.

Supervisor Cortez Keene votes "no". Motion carries.

Ayes: Crookham, Nelson, Kelsey, O'Banion

Noes: Cortez Keene

**1:30 P. M. SCHEDULED ITEM**

**2003-06-24 FY 2003-2004 PROPOSED BUDGET, C. TRANSITION OF COURT SECURITY POSITIONS**

Upon motion of Supervisor Kelsey, seconded by Supervisor Cortez Keene, duly carried, the Board takes the following actions on the Transition of Court Security positions:

1. Transfers all Court Security positions from Budget Unit 22000 to Budget Unit 22109.
2. Effective August 25, 2003 allocates six Juvenile Institution Officer III, Range 60.1 and two Juvenile Institution Officer I/II, Range 56.1/58.1 to Juvenile Hall, Budget Unit 2330.
3. Authorizes the deletion of positions previously unfunded during FY 2002/2003.
4. Approves Salary Adjustments effective (Pay Period 16) the first full pay period in July. 0.5% to the classifications of Deputy Sheriff I/II in Bargaining Unit 2; 3.0% to all classifications in Bargaining Unit P; 2.5% to all classifications in Bargaining Unit 3; 3.0% to all classifications in Bargaining Units 4, 5, 6, & 8; 3.0% to all classifications in Level A, B, C, D and E Unrepresented Management; 2.0% to all classifications in Bargaining Unit 7.
5. Adds one Deputy Probation Officer I/II/III, Range 60.1/62.1/65.1 to Probation, Budget Unit 23400 and adopts Resolution No. 2003-115.

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

**1:30 P. M. SCHEDULED ITEM**

**2003-06-24 FY 2003-2004 PROPOSED BUDGET, D. PLANNING**

Planning and Community Development Director Bill Nicholson and Business-Economic Opportunities Director John Fowler reviews the staff report and recommendations.

Following discussion on the importance of Castle Airport to the County and upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board authorizes Staff to pursue the formation of a redevelopment agency and establishment of a project area and plan for



Castle Airport understanding Staff will return to the Board with a cost estimate for this effort and a request to release a Request for Proposal for services or authorization to negotiate a contract.  
Ayes: Crookham, Cortez Keene, Nelson, Kelsey, O'Banion

**1:30 P. M. SCHEDULED ITEM**

**2003-06-24 FY 2003-2004 PROPOSED BUDGET, E. GENERAL SERVICES**

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board approves and adopts the Policy for Contracting for Professional or Special Services and directs General Services and Executive Office to work with all County Departments in carrying out such policy.

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