

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, NOVEMBER 18, 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
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

8:00 A. M.

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9: 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:
Rosa M. Agueda v. County of Merced, Case No. 142831
Linda Hardcastle v. County of Merced, Case No. 146792

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Subdivision (f) of Section 54957.6 concerning Conference with County of Merced Staff Negotiator(s) concerning health care rates for Bargaining Units 3, 4, 5, 6, 8, 7, 2, 10 and P

THE BOARD RECESSED 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

PRESENTATIONS

High Speed Rail Presentation

REVIEW BOARD ORDER – SEE PAGE 10

Sheriff - Warrant Update

REVIEW BOARD ORDER – SEE PAGE 10

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: Bryant Owens and David Corser

UC MERCED PROJECT - LIAISON REPORT

RECEIVED REPORT FROM UC LIAISON CROOKHAM

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required)

Health -EMSA FY 02/03-\$2,140, SCEAP FY 02/03-\$1,841 SCEAP FY 03/04-\$161,260 and Purchasing-\$7,970

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1-28)

APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:30 A. M.

HEALTH - PROPOSED ORDINANCE – FIRST READING, SET SECOND READING AND POSSIBLE ADOPTION FOR NOVEMBER 25, 2003

An Ordinance known as the Health Department Fee Ordinance for fees for Health Services performed by the Health Officer of Merced County (Amends Ordinance Nos. 1065, 1214, 1278, 1324, 1372, 1440, 1456, 1485, 1538, 1556 and 1613)

REVIEW BOARD ORDER – SEE PAGE 11

10:30 A. M.

PLANNING - PUBLIC HEARING

Appeal to the Planning Commission Denial of Minor Subdivision Application No. 03042 - Schlies Family Trust

Application is to divide one 153.4-acre parcel into seven parcels: Parcel 1-6=20 acres and Parcel 7=34.4 acres on property located on the north side of Childs Avenue and 1/2 mile west of Plainsburg Road in the Planada area

REVIEW BOARD ORDER – SEE PAGE 12

PLANNING - PUBLIC HEARING

Amendment of the Agricultural Preserve as per the California Conservation Act of 1965 (Williamson Act), Section 51200 et. seq. of the California Government Code in Merced County and possible adoption of Resolution

REVIEW BOARD ORDER – SEE PAGES 12 AND 13

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items #1-28)

APPROVED AS RECOMMENDED AYES: ALL

Budget Transfers

1. Approve Budget Transfers submitted by Health-\$66,323 and Sheriff-\$8,500 as recommended by Executive Office.

Travel Requests

2. Approve Travel Requests submitted by District Attorney as recommended by Executive Office.

Public Works

3. Waive restriction on the use of amplified sound equipment by the Vietnam Veterans of America, Chapter 691 on December 7, 2003 at Courthouse Park.
4. Adopt Resolution annexing Minor Subdivision No. 03052 into the Elliott Estates Street Lighting Maintenance Zone of Benefit #214 in County Service Area Number One.

ADOPTED RESOLUTION NO. 2003-206

5. Adopt Resolution designating the intersection of August Avenue and Shanks Road as an All-Way Stop Intersection and authorize installation of signs in the Delhi area.

ADOPTED RESOLUTION NO. 2003-208

6. Adopt Resolution for the Summary Vacation of Excess Right of Way along Jackson Street and Washington Street in the Le Grand area.

ADOPTED RESOLUTION NO. 2003-207

7. Adopt Resolution honoring Charles Morgan for his years of service to the County of Merced.
8. Authorize issuance of Purchase Order to House of Carpets for the re-carpeting of Administration Building No. 2 (Kane Building) Ground Floor which houses the Public Defender's Office and a portion of the District Attorney's Office.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003251

Treasurer

9. Accept Quarterly Investment Report for the Quarter Ending September 30, 2003 pursuant to Government Code Section 53646.

Mental Health

10. Adopt Resolution authorizing Mental Health Director (County Alcohol and Drug Program Administrator) to sign Contract No. 99181 - Grant Award acceptance for Drug Court Partnership Program with State Dept. of Alcohol and Drug Programs, return to the Board apprising the Board of any subsequent award or amendment notices by placing an informational item on the Board's agenda prior to any signing.

ADOPTED RESOLUTION NO. 2003-209

11. Approve and authorize Chairman to sign Renewal Contract No. 2002220 with Tulare County Superintendent of Schools for Youth Mentoring Program - Friday Night Live Partnership Grant.
12. Approve and authorize Chairman to sign Renewal Contract 5045 with San Benito County for the provision of mental health services for San Benito County consumers residing in Merced County.

Auditor-Controller-Recorder

13. Certify the Election Results for the Consolidated School, Municipal and UDEL Election held on November 4, 2003.
14. Approve and authorize Chairman to sign Amendment to Contract No. 10507 with PFA, Inc. extending completion date to June 30, 2004 for the indexing, imaging and microfilming of vital records and voter registration cards.

Fire

15. Approve and authorize Chairman to sign Amendment Contract No. 2003252 with Governor's Office of Emergency Services to accept Grant Award and participate in the extension of the FY 2003 Emergency Management Performance Grant Program and approve the necessary budget transfer in the amount of \$12,795.

Health

16. Proclaim December 1, 2003 as "World AIDS Day" in the County of Merced.

Planning

17. Approve and authorize the Chairman to sign the Williamson Act Contracts with the various property owners.

REVIEW BOARD ORDER – SEE PAGE 8

Community Action Agency

18. Approve and authorize CAB Chair to sign Renewal Contract No. 2003253 with Community Action Board for day-to-day operation of Community Action Agency Programs.
19. Authorize CAB Chair to sign Resolution requesting Grant Funding from State Dept. of Housing and Community Development in the amount of \$45,607 for Round XI of the Emergency Housing Assistance Program (EHAP) funding to support the Havenwood Shelter for women and children.
20. Authorize submission of request to Federal Emergency Management Agency (FEMA) local office for funding in the amount of \$80,000 to support operations at Havenwood Shelter and money to support the five county food banks with non-perishable foods.
21. Approve and authorize CAB Chair to sign Renewal Application with Calif. Dept. of Education for Child and Adult Care Food Program administered by CAA Head Start/Child Development Services.
22. Accept and place CAA Information, Staff and Committee Reports on file.

Board Recognition

23. Authorize Certificates of Recognition to various individuals for participation as selected by Winton School District for Winton Make A Difference Clean Up Day.
REVIEW BOARD ORDER – SEE PAGES 8 AND 9
24. Authorize Certificate of Recognition to Central Valley Opportunity Center in celebration of Open House and Grand Opening.
25. Authorize Certificates of Recognition to Sao Lee, Vang Thao, Pay Moua Thor, Blia Vang, Boua Sue Vang, Chao Tou Vang and Chia Vang for completion of the Partners in Healing Orientation Classes.
26. Authorize Certificate of Recognition to Scott Kramer in honor of his selection as the Executive Director of the United Way.
27. Adopt Resolution of Commendation for James Frederick Jones in recognition of achievement of Eagle Scout Award.

Board of Supervisors

28. Authorize Letter of Agreement retaining Demitrios O. Tatum as County Executive Officer effective November 17, 2003.
REVIEW BOARD ORDER – SEE PAGE 9

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

29. Declare a portion of County-owned real property located at County Fire Station #75 as Surplus Property and adopt Resolution of Intention to sell this property to Joel E. Cozzi; set public hearing for December 9, 2003 at 10:30 a.m. to consider the sale of a portion of county-owned real property located at County Fire Station No. 75 at the Dos Palos "Y" and

authorize Counsel to prepare an Agreement to be considered.

REVIEW BOARD ORDER – SEE PAGE 13

30. Approve Funding Extension Request for Traffic Signals for Bloss Avenue at State Route 165, the Avenue Two at Canal Creek Bridge Replacement Project and the Campus Parkway Project with State of California to extend Budget Authority for road projects with lapsing unspent federal or state funds and authorize the Board to sign the Extension Request.

APPROVED AS RECOMMENDED AYES: ALL

31. Approve plans and specifications for Repair of Roof Structure and Replacement of Roofing on the Old Merced County Library/High School and authorize Public Works to advertise for competitive bids and to return to the Board with recommendation of award.

APPROVED AS RECOMMENDED AYES: ALL

32. New Courts Building – Approval of the Schematic Design Phase Drawings.

REVIEW BOARD ORDER – SEE PAGE 13

FIRE

33. Authorize acceptance of Emergency Preparedness and Response Grant for assistance for Fire Operations and Firefighter Safety from the Federal Emergency Management Agency (FEMA) and authorize Chairman to sign Contract and authorize sole source purchase of Survivair's Sigma Self-Contained Breathing Apparatus.

REVIEW BOARD ORDER – SEE PAGES 13 AND 14

HUMAN SERVICES AGENCY

34. Authorize the allocation of the following positions at Human Services Agency: one Supervising Family Assistance Representative (Range 61.6), one Family Assistance Representative III (Range 58.6), seven Family Assistance Representative I/II (Range 53.6/56.6), eight Social Worker IV a/b (Range 63.9/66.1), one Supervising Social Worker II (Range 68.7) and three Social Worker IV a/b (Range 63.9/66.1); approve the necessary budget transfers-\$114,500 and \$668,956 and adopt Resolutions.

ADOPTED RESOLUTION NO. 2003-211 AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

35. Contract with National Substance Abuse Professional Network for employee substance abuse treatment.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003258 AYES: ALL

36. Authorize aligned Extra Help Insurance and Benefits Technician I/II, \$14.96/17.01 per hour to Risk Management and adopt Resolution.

ADOPTED RESOLUTION NO. 2003-212 AS RECOMMENDED AYES: ALL

37. Approve the Budget Calendar for FY 2004/2005.

APPROVED AS RECOMMENDED AYES: ALL

PLANNING

38. Stevinson Ranch Community Specific Plan/EIR Guidance Package.

REVIEW BOARD ORDER – SEE PAGE 14

BOARD APPOINTMENTS

39. Appointment to San Joaquin Valley Air Pollution Control District Citizens Advisory Committee.

APPOINTED COLLEEN TRIEWELER TO SERVE AS A MEMBER OF THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT CITIZENS ADVISORY COMMITTEE UNTIL JANUARY 31, 2005 AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED INFORMATION ON FILE AYES: ALL

40. McSwain Union Elementary School District re: Notice of formation of a Mello-Roos District.
41. City of Merced re: Resolution supporting the California High Speed Rail System.
42. Madera County Board of Supervisors re: 2004 Calendar dates for San Joaquin Valley Regional Association of County Supervisors Conference.
43. Mariposa County Board of Supervisors re: Sesquicentennial Celebration-Invitation to attend a special Monument Dedication Ceremony on June 5, 2004 and the Sesquicentennial Wagon Train Parade on June 12, 2004.
44. San Joaquin Valley Regional Association of Calif. Counties re: Concern with the California Tiger Salamander by U.S. Fish and Wildlife Service.
45. State Wildlife Conservation Board re: Notice of Meeting set for November 18, 2003.
46. State Board of Corrections re: Notice of a new regulation in Title 15, Division 1, Chapter 1, Subchapter 4, California Code of Regulations known as the Minimum Standards for Local Adult Detention Facilities.
47. California Highway Patrol, Office of Traffic Safety and Alcoholic Beverage Control re: Annual Drunk and Drugged Driving Prevention Month campaign.
48. Friends of Life Flight re: Letter from Life Flight (UC Davis Children's Hospital Team) requesting Board support to the Life Flight Children's Hospital Pediatric Team. (On file with Clerk)
49. State Board of Equalization re: Property Taxpayers Bill of Rights Annual Report. (On file with Clerk)

ADOPTED RESOLUTION AND AJOURNED MEETING IN MEMORY OF RICHARD SILVEIRA UNTIL NOVEMBER 25, 2003 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – NOVEMBER 18, 2003

CONSENT ITEM NO. 17

2003-11-18 ASSESSOR

Upon motion of Supervisor Kelsey, seconded by Supervisor Nelson, duly carried, the Board approves and authorizes the Chairman to sign the Williamson Act Contracts with the following property owners:

- WA2003-001 with Craig W. Stoller
- WA2003-002 with Antonio/Olivia Avila
- WA2003-003 with Gail Pitts (Trustee of Jim Pitts Trust)
- WA2003-004 with Larry/Robert Borba
- WA2003-005 with Henry/Adrienne Tevelde Trustees
- WA2003-006 with James Luker (Agnes Ann Luker Trust)
- WA2003-007 with Ralph Seward/Seward Farms
- WA2003-008 with Ralph/Pauline Seward (Trustees of Seward Family Trust)
- WA2003-009 with Michael/Wendy Vander Dussen
- WA2003-010 with Manuela/David/Elder Godinho
- WA2003-011 with Galen/Melba Miyamoto
- WA2003-012 with Frederick/Gail Haas Trust
- WA2003-013 with John Carson/Ann Carson (Trustees of Carson Family Trust)
- WA2003-014 with Joe/Augie/Kathleen/Jill Scoto
- WA2003-015 with Modesto Properties
- WA2003-016 with Galen/Melba Miyamoto
- WA2003-017 with Gary/Emily Boyd
- WA2003-018 with Mary/Gabriel Machado, Jr. (Mary C. Machado, Trustees)
- WA2003-019 with Jeff Miller/Layne Clifton (Howard Chase Trust)
- WA2003-020 with Vernon/Mary Wickstrum
- WA2003-021 with Robert/Michelle Bryant Jr.
- WA2003-022 with Kathy Schilling/Janey Cabral
- WA2003-025 with Roduner Farms
- WA2003-026 with Clay/Janice/Bruce Groefsema, Robert Gulack
- WA2003-027 with Anthony/Marie Vierra, Trustees
- WA2003-028 with Stephen Gemperle/Gemperle Egg Packing Co. Inc.
- WA2003-029 with Robinson Cattle Company and
- WA2003-030 with Randall/Caroline Dickey, Trustees

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

CONSENT ITEM NO. 23

2003-11-18 BOARD OF SUPERVISORS

Upon motion of Supervisor Kelsey, seconded by Supervisor Nelson, duly carried, the Board authorizes Certificates of Recognition to the following individuals for participation in the Winton School District - Winton Make A Difference Clean Up Day: Maria Cardona, Juan Gonzalez, Jocelyn Hayden, Miguel Lopez, Roger Lang, Juvenile Maldonado, Miguel Madrigal, Pablo Rubio, Agnes Sietsema, Ray-Ko, Jordan Najera, Rena Maldonado, Martha Tejada, Adrian Pulido, Chanda

Rowly, Hanna Rae Rowly, Austin Worden, Kurt Rowley, Olga Gomes, Maria Barajas, Jay Callihan, Sara Sanchez, Anaise Sanchez, Juventino Magana, Jose Magana, Yadira Taylor, Martha Montes, Ana Tristan, Manolo Tristan, Diego Tristan, Ramon Flores, Georgina Holquin, Leon Martinez, David Fuentes, Karrie Solis, Esbeidy Medrano, Lissette Medrano, Edgar Rodríguez, Elsa Leticia De Garcia, Isela Soto, Lorenzo Jaimez, Maria Ortiz, Elise Chad, Gloria Garcia, Linda Swanson, Joe Flores, Marlys Flores, Kent Bickford, Kim Bickford, Walter Brown, Angela Esparza, Maria Chavez, Debbie Donart, Bill Brown, Kelli Cannon, Vicente Carrillo, Jimmy, Kathy O'Connor, David Pulido, Fernando Pulido, Joshua Hernandez, Rosa Hernandez, Brandon Williams, Anthony Delgado, Jesús Castro, Vanessa Mendoza, Victoria Gonzalez, Juan Orozco, Paul Chavez, Belen Torres, Edward Mendoza, Timothy Collins, Eric Molina, Juan Rubio, Eddie Alvarez, Francisco Rubio, Victor Santoyo, Elizabeth Magana, Hilda Chavez, Silvia Chavez, Hector Chavez, Marian Lopez, Alesha Menoza, Vincent Williams, Arthur Delgado, Rosemarie Solis and Eligio Reyes.
Ayes: Crookham, Cortez Keene, Nelson, Kelsey, O'Banion

CONSENT ITEM NO. 28

2003-11-18 BOARD OF SUPERVISORS

Supervisor O'Banion expresses concern with Article 6-Section 6.02 of the Letter of Agreement retaining Demitrios O. Tatum as County Executive Officer relative to the 12-month notice prior to release from employment. Supervisor O'Banion states Mr. Tatum is an at-will employee and six months notice was the time frame in his previous agreement which he feels is sufficient. He further states his concern is not a reflection on Mr. Tatum's performance as the County Executive Officer and he supports him in that position.

Supervisor Kelsey states she worked with Supervisor Cortez Keene on the renewal and there are no costs associated with the renewal.

Supervisor O'Banion states Section 6.02 provides the County Executive Officer be given a year's salary should the Board decide to relieve him of his duties and, in his opinion, this is not right.

Supervisor Cortez Keene states other organizations in the area were contacted that have top-level management and it was found that 12 months is not uncommon and would provide security and continuum in that twelve months and would prepare the County Executive Officer and Board time to make the transition should that be necessary.

Following discussion, Supervisor Kelsey moves, seconded by Supervisor Cortez Keene, the Board approve and authorize the Chairman to sign Contract No. 2001202 retaining Demitrios O. Tatum as County Executive Officer until September 12, 2007, as submitted.

Supervisor O'Banion votes "no". Motion carries.

Ayes: Crookham, Cortez Keene, Nelson, Kelsey

Noes: O'Banion

10:00 A.M. SCHEDULED ITEM

2003-11-18 PRESENTATION - HIGH SPEED RAIL

Dr. Lee Boese, Jr. appears with an update on behalf of the Committee for High Speed Rail. Dr. Boese displays a map and reviews the current sites being considered which include two northern routes: (1) Pacheco Pass Route that would start in Bakersfield, loop around Los Banos and then through Gilroy stopping at Highway 152 and I-5, and (2)Diablo Canyon Range Route which would go from Merced to San Jose with three possible starting points in Merced being the 16th Street Transportation Center, Merced Airport, and Castle Airport and Aviation Center. The southern route would start in Bakersfield and go to San Diego (not depicted on the map).

Dr. Boese states that the High Speed Rail Commission is planning to release an Environmental Impact Report (EIR) in January 2004. The High Speed Rail Commission is alluding to starting the northern California route first due to costs and the preference for the stopping site is Castle Airport and Aviation Center. The EIR process must be completed before a site decision can be made with the actual site selection goal set for June 2004, with possible delay until September 2004. The High Speed Rail Committee has hired someone to assist in understanding the EIR and is working on a Request for Proposal for the Merced site with Castle Airport and Aviation Center as the hub. Committee members will be meeting with the Atwater City Council and Mayor to provide them with an update on this issue.

The Chairman requests Public Works Director Paul Fillebrown and Business-Economic Opportunities Director John Fowler be included in discussions regarding Castle.

Supervisor O'Banion suggests the information provided to the Board today be provided to others that are involved such as Los Banos City Council and states he supports a route in Merced County with Castle as a hub.

Supervisor Kelsey advises after the EIR is released and there is a preferred site, Jim Costa is going to work with the cities to place a bond issue for this matter on the November, 2004 ballot.

Dr. Boese states another update on this matter will follow in approximately 90 days and a meeting will occur with Atwater and Los Banos officials.

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

10:00 A.M. SCHEDULED ITEM

2003-11-18 PRESENTATION - SHERIFF

Sheriff Mark Pazin submits and briefly reviews a Power Point presentation on the status of the current Warrant Program 2003 Update. Sheriff Pazin reviews the number of active warrants in January 2002, the challenges in serving warrants, the aggressive manner in which the Sheriff's Department STAR Team has served criminal warrants, specific arrests made and warrants served, monthly status of warrants, number of warrants served in 2002 and 2003 by the Sheriff's Department as compared to other agencies which resulted in a 30 percent decrease in active warrants.

Sheriff Pazin advises he will provide another update on this matter next year.

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

10:30 A.M. SCHEDULED ITEM
2003-11-18 HEALTH - PROPOSED ORDINANCE

The time and date previously set for First Reading to consider Proposed Ordinance titled An Ordinance Known as the Health Department Fee Ordinance for Health Services performed by the Health Officer of Merced County (Amends Ordinance Nos. 1065, 1214, 1278, 1324, 1372, 1440, 1456, 1485, 1538, 1556 and 1613) as submitted by the Health Department.

Director of Environmental Health Jeff Palsgaard submits the Staff Report and reviews a Power Point presentation regarding the proposed fee revisions for services provided by Environmental Health.

Following discussion, Supervisor O'Banion moves, seconded by Supervisor Cortez Keene, the Board amend the Proposal Fee Structure on Page 10—Photocopying - No charge for 15 pages or less, greater than 15 pages the photocopying fee is set at 25 cents per page; if over 50 pages, there will be an hourly rate applied.

Supervisor Cortez Keene states concern that computing the rate that would apply to cover the employee's time for copying 50 pages or more could become complicated and suggests the fee set for photocopying only.

Supervisor O'Banion states making copies of 200 to 300 pages would be time consuming and believes an hourly rate to cover the employee's time for copying jobs over 50 pages is appropriate.

Supervisor Cortez Keene states her second to the motion remains.

Supervisor O'Banion asks for a legal opinion on whether changing a Proposed Ordinance at the first reading would require another first reading.

County Counsel Ruben Castillo states if the Proposed Ordinance is modified significantly, it would require another first reading.

The Chairman calls for a vote on the Motion.

Supervisors Crookham, Cortez Keene, Nelson, and Kelsey vote "no".

Motion fails.

Ayes: O'Banion

Noes: Crookham, Cortez Keene, Nelson, Kelsey

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

The Chairman states the Board waives further reading of the Proposed Ordinance and sets second reading and possible adoption for November 25, 2003, at 10:30 a.m.

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

10:30 A.M. SCHEDULED ITEM
2003-11-18 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider an Appeal to the Planning Commission denial of Minor Subdivision Application No. 03042 submitted by the Schlies Family Trust. Said application is to divide one 153.4-acre parcel into seven parcels: Parcel 1-6=20 acres and Parcel 7=34.4 acres on property located on the north side of Childs Avenue and 1/2 mile west of Plainsburg Road in the Planada area

Planning Director Bill Nicholson reviews the Staff Report and aerial photograph of the subject property. Mr. Nicholson advises staff recommended the applicant try to consolidate some parcels and return with a map with larger parcels.

The Chairman asks if there is anyone present wishing to speak.

Planada Economic Development Corporation Program Manager David Corser requests the Board pull the item from the agenda because the Planada Community Development Corporation and Planada Municipal Advisory Council did not receive notice regarding this proposed property change.

Bryant Owens states there are a number of ways to finance a new orchard and he doesn't know who the silent partner is in this matter but does not believe the Board should reject this proposal just because there is possibility it could lead to more intensive housing. Mr. Owens questions if this property could be placed in the Williamson Act Preserve which would guarantee the property remain in farming.

Jim Hap, appearing on behalf of the applicant, states there is no silent partner but the applicant has contacted Leo Lamb of Horizon Farms about exchanging a parcel of land in order to develop the remaining parcels into almonds. The applicant would like to plant almonds but does not have the necessary funds to do so. The applicant also would like the parcels to be divided into 20-acre parcels which would place an optimum value on the property. There is no objection to a continuance.

Following discussion and upon motion of Supervisor Cortez Keene, seconded by Supervisor Kelsey, duly carried, the Board refers the matter back to the Planning Department for community outreach.

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

10:30 A.M. SCHEDULED ITEM
2003-11-18 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider proposed Resolution to Amend the Agricultural Preserve as per the California Conservation Act of 1965 (Williamson Act), Section 51200 et. seq. of the California Government Code in Merced County.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor Cortez Keene, duly carried, the Board amends the Agricultural Preserve as per the requirements of the Land Conservation Act of

1965 (Williamson Act) Section 51200 et. Seq. of the California Government Code adding the following parcels:

042-250-009, 042-130-021, 043-070-005, 056-060-040, 045-230-046, 045-220-021, 045-220-049, 045-220-050, 143-150-004, 143-150-005 and 143-150-006

and adopts Resolution No. 2003-205.

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

ACTION ITEM NO. 29

2003-11-18 PUBLIC WORKS

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board declares a portion of County-owned real property located at County Fire Station No. 75 as Surplus with the intent to sell the property to Joel E. Cozzi, directs Counsel to prepare an agreement for the sale of the property with Mr. Cozzi, sets the public hearing for December 9, 2003 at 10:30 a.m. to consider the sale of a portion of county-owned real property located at County Fire Station No. 75 at the Dos Palos "Y" following the required posting and publishing of the public notice and the Resolution of Intent and adopts Resolution No. 2003-210.

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

ACTION ITEM NO. 32

2003-11-18 PUBLIC WORKS

Public Works Director Paul Fillebrown advises the Board was previously provided information on the schematic design of the New Courts Facility and states adjustments had to be made in the schematic design phase to stay within the budget.

Following discussion and upon motion of Supervisor Cortez Keene, seconded by Supervisor Kelsey, duly carried, the Board approves the Architects' Schematic Design Phase Drawings and associated Cost Estimate of \$11,030,000 for the New Courts Facility; authorizes Public Works to proceed with preparation of the Design Development Phase and associated Cost Estimate; directs Public Works to return to the Board for approval of the Design Development Phase Drawings and associated Cost Estimate prior to proceeding with preparation of the Final Construction Documents and Final Cost Estimate and approves the necessary budget transfer-\$227,319.

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

ACTION ITEM NO. 33

2003-11-18 FIRE

Upon motion of Supervisor Kelsey, seconded by Supervisor Nelson, duly carried, the Board authorizes the Fire Chief to accept 2003 Fiscal Year Grant Funds in the amount of \$119,700 from the Federal Emergency Management Agency (FEMA) for assistance for Fire Operations and

Firefighter Safety for FY 2003 authorizing the purchase of critically important and legally mandated equipment for Merced County volunteer and career firefighters, authorizes General Services to sole source purchase Survivair's Sigma Self-Contained Breathing Apparatus, and approves and authorizes the Chairman to sign Contract No. 2003257 with FEMA to obtain said funding to purchase necessary equipment to meet current NFPA and OSHA standards.

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

ACTION ITEM NO. 38

2003-11-18 PLANNING

Planning Director Bill Nicholson reviews the Staff Report for the Stevinson Ranch Community Specific Plan/EIR Guidance Package and summarizes issues related to this project and the Guidance Package.

Supervisor O'Banion states for clarification the proposed Guidance Package includes expansion of a Specific Urban Development Plan (SUDP) for Stevinson, which is one of the communities the Board has on expansion/renewal for SUDPs and spheres for the future in Merced County, and an amendment to the General Plan to allow development on the Stevinson Ranch property. Since this is a developer driven application he expects the developer to go forward with the documents on their own with no expectations from the County with regard to reimbursement.

Mr. Nicholson responds a Community Plan will cover this entire area and currently there is an Initial Study area of 3,100 acres. A committee to form a Stevinson/Hilmar Municipal Advisory Council subcommittee and local agency representatives will work on a Community Plan and staff will work with this group and consultants to create a Community Plan that will tie together the Stevinson SUDP and Stevinson Ranch project. For clarification, Mr. Nicholson advises this project is not one of the projects identified as far as expansion of the SUDP.

Supervisor Kelsey states when the Board discussed Community Specific Plans in 1995, it was decided to look at areas that had infrastructure already in place. During that time period, discussion took place with the applicants on numerous occasions about going forward with some kind of plan for their community. It was never in conjunction with the existing communities that already have sewer and water. Supervisor Kelsey states she would like to accommodate the applicant and be able to work with the applicant and community to provide this opportunity for everyone in Stevinson.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board adopts the Guidance Package and process as recommended for the Stevinson Ranch Community Specific Plan/Environmental Impact Report.

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