



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

### Regular Meeting

**TUESDAY, NOVEMBER 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

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**

8:30 A. M.

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:** It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9: Three Case(s)

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:** It is the intention of the Board to meet in Closed Session concerning Existing Litigation pursuant to Subdivision (a) of Section 54956.9:  
Thoreson, et al v. County of Merced, Case #146959  
Ruff v. County of Merced, Case #142845

**REVIEW BOARD ORDER – SEE PAGE 7**

10:00 A. M.

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS**

**AUDITOR-CONTROLLER**

Certificate of Achievement for Excellence in Financial Reporting - County of Merced Award and Award of Financial Reporting Achievement - Auditor-Controller Award

**The Board presents the Award**

**CSAC CHALLENGE AWARDS RECOGNITION**

**Probation** - Parent Accountability Board (PAB) Program

**Dept. of Workforce Investment** - County and Community Partnership to Impact RN Shortage

**Business and Economic Opportunities/Health-Environmental Health** - Merced County Agricultural Waste Management Loan Program

**The Board presents the 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)**

**The following speak: Scott Cramer from United Way**

**UC MERCED PROJECT - LIAISON REPORT**

**NO REPORT**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 16)**

**APPROVED AS RECOMMENDED AYES: ALL**

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

10:30 A. M.

**HEALTH - PUBLIC HEARING – PROPOSED ORDINANCE - SECOND READING AND POSSIBLE ADOPTION**

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 7**

**REPORTS/BOARD DIRECTION**

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

**LUNCH BREAK**

## **CONSENT CALENDAR (Items #1 - 16)**

**APPROVED AS RECOMMENDED AYES: ALL**

### Claims for Damages

1. Act on Claims for Damages submitted by Michael Needham-LaJeunesse, Mireya Rivera Quesad Aguilar, Lance Goblirsch, Elberto Rayo and Diana Davis-Rodgers as submitted by Risk Management.

### Public Works

2. Waive the restriction on the use of amplified sound equipment for the Wedding and Reception for Valerie Harryman on May 22, 2004 at Henderson Park.
3. Adopt Resolution committing to matching funds and authorize Public Works Director to submit and sign a 2004/2005 Bicycle Transportation Account Grant Application to the Caltrans Bicycle Facilities Unit for Reconstruction of the Lake Road Bike Path and authorize the signing of necessary documents necessary to implement the Grant if awarded upon review by Counsel.

#### **ADOPTED RESOLUTION NO. 2003-213**

4. Adopt Resolution committing to matching funds and authorize the Public Works Director to submit and sign a 2004/2005 Bicycle Transportation Account Grant Application to the Caltrans Bicycle Facilities Unit for the TID Lateral 7 Bicycle Crossing in Hilmar, and authorize the signing of necessary documents necessary to implement the Grant if awarded upon review by Counsel.

#### **ADOPTED RESOLUTION NO. 2003-214**

5. Approve and authorize Chairman to sign Extension to Contract No. 2000246 with VIA Adventures for Merced County Transit Office Space at Merced Transpo Center.

### Probation

6. Approve and authorize Chairman to sign Amendment to Contract No. 9763 with Solano County to increase the two bed minimum guarantee to seven bed minimum guarantee effective December 1, 2003.
7. Approve and authorize Chairman to sign Renewal Contract No. 2001221 with Shasta County Probation Department for use of Crystal Creek Juvenile Detention Facility.

### Planning

8. Set public hearing for December 16, 2003 at 10:30 a.m. to amend 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.
9. Set public hearing for December 16, 2003 at 10:30 a.m. to consider Application for Grants from the CDBG General Allocation and Economic Development funds and authorize Planning to submit a Request for Proposal (RFP) to qualifying consultants for implementation and administration of the General Allocation grant, should it be funded.

### Business-Economic Opportunities

10. Authorize a Business License Change Fund in the amount of \$100.

Ag. Commissioner

11. Ratify the Letter of Request sent to the Governor's Office of Emergency Services on November 12, 2003 requesting Merced County Disaster Declaration due to Pistachio Crop Loss from unseasonal weather.

Board of Supervisors

12. Approval of Minutes of June 10, 17 and 24, 2003 and July 1, 15 and 22, 2003 as submitted.

Board Recognition

13. Authorize Resolution of Recognition to Wakami, Japan as the Sister City to Livingston.
14. Proclaim November 8, 2003 as the "44th Annual Marching Band Day" in Merced County.
15. Authorize Certificate of Recognition to Cynthia Neff in honor of outstanding journalism for Merced Sun-Star.
16. Authorize Certificates of Recognition to Kiashia Ruiz-Top Honors at the San Diego County Law Enforcement Police Explorer Academy, Cody Rocha-FFA Outstanding Sophomore Project and Prestigious Dairy Honors, Chris Medeiros and Stuart Mattos-FFA Habitat Management and Small Game Project, Katie Cassinerio-Girls State Representative and Ashley Souza-Miss Gustine Fourth of July for the Veterans Day Program.

**REGULAR CALENDAR**

**BOARD ACTION**

PUBLIC WORKS

17. Contract with Riverside Motorsports Park for Administrative Offices located at Castle Airport Building 748.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003260 AYES: ALL**

18. Contract with Hilmar Community Hall for improvements to the Hilmar Community Hall parking lot and approve the necessary budget transfer-\$16,554 (DPW-013).

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003254 AYES: ALL**

19. Authorize termination of Castle Airport and Aviation Center Master Developer(s) selection process and disband the Castle Airport Master Developer Selection Advisory Board.

**APPROVED AS RECOMMENDED AYES: ALL**

FIRE

20. Contracts for FEMA Supplemental Grant/Citizen Corps and Community Emergency Response Team as follows: Contract with Federal Emergency Management Agency (FEMA) for acceptance of grant funds for a Citizen Corps and Community Emergency Response Team; Contract with City of Merced for establishment of the pilot Community Emergency Response Team Program in the amount of \$5,826; Contract with Mariposa/Merced Chapter of the American Red Cross for establishment of the Community Emergency Response Team Program in the amount of \$2,000; authorize expenditure of \$3,379 to establish a website to disseminate emergency response and preparedness information designed and maintained by County Information Systems and approve the

necessary budget transfer-\$11,205.

**AUTHORIZED CHAIRMAN TO SIGN THE FOLLOWING CONTRACTS: NO. 2003261 WITH FEMA, NO. 2003262 WITH THE CITY OF MERCED AND NO. 2003263 WITH MERCED/MARIPOSA RED CROSS AYES: ALL**

21. Authorize Contract with United States Penitentiary/Satellite Prison Camp of Atwater for Fire Protection Services, Emergency Response and Rescue Services.

**REVIEW BOARD ORDER – SEE PAGE 8**

**DEPT. OF WORKFORCE INVESTMENT**

22. Contract with Merced College for Licensed Vocational Nursing Training to train 12 LVN students.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003264 AYES: ALL**

23. Contracts with Merced County Office of Education (MCOE) Regional Occupational Program (ROP) for Job Development Services and for Out-of-School Youth Program and approve the necessary budget transfer-\$12,549.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003265 FOR JOB DEVELOPMENT SERVICES AND CONTRACT NO. 2003266 FOR OUT-OF-SCHOOL YOUTH PROGRAM AYES: ALL**

**HUMAN SERVICES AGENCY**

24. Authorize \$35,000 to Community Action Agency for operations of the Homeless Shelter in the City of Merced and direct Community Action Agency, Human Services Agency and Mental Health Directors to work together to assess the long term needs of the homeless and alternate funding for future years and approve the necessary budget transfer-\$17,500.

**APPROVED AS RECOMMENDED AYES: ALL**

**EXECUTIVE OFFICE**

25. Approve Legislative Agenda for 2004 with any revisions as recommended by the Board and direct Staff to forward the Legislative Agenda 2004 to Merced County's legislative representatives and advocates.

**APPROVED AS RECOMMENDED AYES: ALL**

26. Project List for MCAG Grant Writing Tasks.

**REVIEW BOARD ORDER – SEE PAGES 8 AND 9**

27. Contract with McDonough, Holland and Allen for legal services to establish a redevelopment agency and Contract to establish project area and redevelopment plan for Castle Airport Aviation and Development Center, set first reading for December 16, 2003 at 10:30 a.m. to consider proposed ordinance declaring the need for a redevelopment agency in the county and declaring the Board will act as the agency and set second reading for December 23, 2003.

**REVIEW BOARD ORDER – SEE PAGE 9**

**BOARD OF SUPERVISORS**

28. Establishment of Steering Committee to Hilmar/Stevinson Municipal Advisory Council for the Stevinson Community Specific Plan Program.

**REVIEW BOARD ORDER – SEE PAGE 8**

HSA-AREA AGENCY ON AGING

29. FY 2003-2004 Area Plan Update, the FY 2003-2004 Title III E Addendum and the FY 2002-2003 Area Plan Year End Report for the Merced County Area Agency on Aging.

**APPROVED AS RECOMMENDED AYES: ALL**

MENTAL HEALTH

30. Set First Reading for December 16, 2003 at 10:30 a.m. to consider the Mental Health Department Services Fees for services performed by Mental Health and set second reading for December 23, 2003 at 10:30 a.m.

**APPROVED AS RECOMMENDED AYES: ALL**

BOARD APPOINTMENTS

31. Merced County Employees Retirement Board.

**REAPPOINTED JANEY CABRAL TO SERVE AS A MEMBER OF THE MERCED COUNTY EMPLOYEES RETIREMENT BOARD UNTIL JULY 1, 2006 AYES: ALL**

32. District Three - Franklin/Beachwood Municipal Advisory Council.

**APPOINTED AMY MURAIRA TO SERVE AS A MEMBER OF THE FRANKLIN/BEACHWOOD MUNICIPAL ADVISORY COUNCIL UNTIL APRIL 6, 2007 AYES: ALL**

**BOARD INFORMATION & POSSIBLE ACTION**

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

33. Merced Lao Family Community, Inc. re: Request for participation at the Merced Hmong New Year set for December 19, 2003.
34. Central Valley Opportunity Center, Inc. re: Request for help in contribution of money, food or toys to annual food basket effort.
35. Governor's Office of Emergency Services re: Notification of designation of Secretarial disaster designation for the County of Madera and the contiguous counties of Mariposa, Merced, Mono and Tuolumne due to agriculture losses caused by excessive rain and Wheat Stripe Rust that occurred January 1 - May 31, 2003.
36. Governor's Office of Emergency Services re: Notification of designation of Secretarial disaster designation for the County of Merced and the contiguous counties of Fresno, Madera, Mariposa, San Benito and Santa Clara due to agriculture losses caused by spring rains and Wheat Stripe Rust that occurred April 1 - May 14, 2003.
37. State Board of Equalization re: Revised Administration of the Welfare and Veterans' Organization Exemptions - Effective January 1, 2004.
38. Surface Transportation Board re: Environmental Assessment - STB Finance Docket 34305, the Burlington Northern and Santa Fe Railway Company, Construction and Operation Exemption in Merced County, California. (On file with Clerk)

**ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF ORVIL STIMSON AND VERNON 'SPIKE' ERLANDSON UNTIL DECEMBER 9, 2003 AT 10:00 A.M.**

**BOARD ORDERS - SUMMARY ACTION MINUTES - NOVEMBER 25, 2003**

**10:00 A.M. SCHEDULED ITEM**  
**2003-11-25 CLOSED SESSION**

The Board recesses at 8:30 a.m. to meet in Closed Session with Supervisor O'Banion not present to discuss the following:

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:**

It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9: Three Case(s)

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:**

It is the intention of the Board to meet in Closed Session concerning Existing Litigation pursuant to Subdivision (a) of Section 54956.9: Thoreson, et al v. County of Merced, Case #146959 and Ruff v. County of Merced, Case #142845

The Board reconvenes at 10:00 a.m. with Supervisor O'Banion not present and the Chairman advises the Board authorized several Settlement Agreements one being with Mead and Hunt.

Present: Crookham, Cortez Keene, Nelson, Kelsey

Not Present: O'Banion

**10:30 A.M. SCHEDULED ITEM**  
**2003-11-25 HEALTH – PUBLIC HEARING**

The time and date previously set for a public hearing and second reading and possible adoption for Proposed Ordinance entitled 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).

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

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Kelsey, duly carried, the Board waives further reading of the Proposed Ordinance and adopts Ordinance No. 1715 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, 1456, 1485, 1538, 1556 and 1613).

Ayes: Crookham, Cortez Keene, Nelson, Kelsey

Not Present: O'Banion

**ACTION ITEM NO. 21**

**2003-11-25 FIRE**

Supervisor Nelson states the language contained in the Memorandum of Understanding between the County and the U.S. Penitentiary/Satellite Prison Camp of Atwater pertaining to the Atwater Fire Department providing assistance as deemed necessary by the Merced County Fire Chief or designee should be stricken because Atwater is not a signatory to this agreement.

County Counsel Ruben Castillo agrees the language should be stricken since Atwater is not a party to the agreement and cannot be bound.

Following discussion and upon motion of Supervisor Cortez Keene, seconded by Supervisor Nelson, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2003259 with the U.S. Penitentiary/Satellite Prison Camp for purpose of providing Fire Protection Services, Emergency Response and Rescue operations.

Ayes: Crookham, Cortez Keene, Nelson, Kelsey

Not Present: O'Banion

**ACTION ITEM NO. 26**

**2003-11-25 EXECUTIVE OFFICE**

County Executive Officer Dee Tatum advises Supervisor Nelson had to leave the meeting and on his behalf he states the "Feasibility Study/Construction Funds for Fire Station to serve the Franklin/Beachwood/McSwain areas" listed under District Three Projects List is only part of what he is considering. Supervisor Nelson is concerned about overall fire services for the County and is considering adoption of the Fire Service Plan that the County has been considering for the past two years.

Supervisor Cortez Keene states there are changes to the District One Projects List. Initially, the El Nido School House was on the District One Project List; however, the County has done some of the work already and \$35,000 in Capital Improvements was allocated for the El Nido School House Feasibility Study; therefore, this project was taken off the list and the Planada and Le Grand projects for infrastructure were added to accommodate the potential future growth in these areas.

Upon motion of Supervisor Kelsey, seconded by Supervisor Cortez Keene, duly carried, the Board approves the Project List for Merced County Association of Governments grant writing tasks as follows:

District One

Expansion of Planada Wastewater Treatment Facility  
Improvements of Le Grand Water Distribution System  
Update of the Le Grand Community Plan

District Two

Rehabilitation of Merced's former Library Building  
Rehabilitation of Merced Theater Building



### District Three

Feasibility study/construction funds for fire station to serve Franklin/Beachwood/McSwain areas  
Projects which increase safety of students walking or bicycling to Franklin Elementary School  
Projects which support efforts to develop the former Castle Air Force Base  
Feasibility study-expansion options for Franklin County Water District wastewater treatment facility  
Feasibility study of park jointly (with schools) developed in the Beachwood area

### District Four

Feasibility study of potential child care center in Delhi  
Feasibility study to establish a Stevinson Community Services District  
Rehabilitation of Snelling Courthouse

### District Five

Feasibility study of potential child care/community center in South Dos Palos  
Feasibility study of relocation or expansion options for Los Banos Milliken Museum  
Capacity building (equipment, manpower, etc) for Dos Palos Cemetery or Los Banos Cemetery  
Hazardous Materials Trailer for Merced County Fire Department  
Ayes: Crookham, Cortez Keene, Kelsey  
Not Present: Nelson, O'Banion

## **ACTION ITEM NO. 27**

### **2003-11-25 EXECUTIVE OFFICE**

Upon motion of Supervisor Kelsey, seconded by Supervisor Cortez Keene, duly carried, the Board approves and authorizes the Chairman to sign the Contracts with McDonough, Holland and Allen as follows: Contract No. 2003255 for legal services to establish a redevelopment agency and Contract No. 2003256 to establish a project area and redevelopment plan for Castle Airport Aviation and Development Center; sets 10:30 a.m. on December 16, 2003 for first reading and December 23, 2003 for second reading and possible adoption of An Ordinance Declaring the Need for a Redevelopment Agency in the County of Merced and Declaring the Board of Supervisors will act as the Agency and directs the County Executive Office return to the Board with a recommendation on an organizational structure and staffing options for administering a Redevelopment Agency at Castle Aviation Airport and Development Center.

Ayes: Crookham, Cortez Keene, Kelsey

Not Present: Nelson, O'Banion

## **ACTION ITEM NO. 28**

### **2003-11-25 BOARD OF SUPERVISORS**

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Kelsey, duly carried, the Board makes the following appointments to the Steering Committee to the Hilmar/Stevinson Municipal Advisory Council for the Stevinson Community Specific Plan Program: Frank Amaral, Diane Asturi, Les Azevedo, Rosemary Ouse, Lloyd Little, Mike Gallo, Susan Mord, Larry Nelson, Dave Miller, Lewis Drake and Robin Makinzie.

Ayes: Crookham, Cortez Keene, Kelsey

Not Present: Nelson, O'Banion