



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, MARCH 09, 2004

Closed Session – 8:00 a.m.

Regular Meeting – 10:00 a.m.

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

GLORIA CORTEZ KEENE.....DISTRICT 1
KATHLEEN M. CROOKHAM.....DISTRICT 2
MICHAEL G. NELSON.....DISTRICT 3
CHAIR 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: Three Cases

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, Case No. 147425

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

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Agricultural Commissioner

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 AT 8:00 A.M. TO MEET IN CLOSED SESSION WITH ALL MEMBERS PRESENT AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISES THERE ARE NO REPORTABLE ITEMS

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:00 A. M.

PLEDGE OF ALLEGIANCE

PRESENTATION

HEALTH - Report on Mercy Medical Center Merced

REVIEW BOARD ORDER – SEE PAGE 9

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: Susan Walsh, Candace Adam Medefind, Bryant Owens and Christine Walter

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1-29)

APPROVED AS RECOMMENDED AYES: ALL

10:30 A. M.

TREASURER - PUBLIC HEARING – PROPOSED ORDINANCE - SECOND READING AND POSSIBLE ADOPTION

An Ordinance delegating Investment Authority to the Merced County Treasurer under the provisions of Government Code Sections 27000.1 and 53607

REVIEW BOARD ORDER – SEE PAGE 9

PLANNING - PUBLIC HEARING

Appeal of Planning Commission action approving Conditional Use Permit No. 99022 - Vander Woude Dairy. Appeal submitted by San Joaquin Valley Raptor Rescue Center, Protect Our Water, Central Valley Safe Environment Network and Communities for Land, Air and Water. Said

Application is to permit the construction and operation of a 7,613 animal unit (AU) milk cow dairy and a second single family dwelling on a parcel located north of Rahilly Road, west of State Route 59, approximately 4 miles south of the City of Merced.

REVIEW BOARD ORDER – SEE PAGE 10

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items #1-29)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Adopt Resolution designating the intersection of Stanford Avenue and Cody Avenue (Casa de Suenos Subdivision) as a Stop Intersection and authorize installation of a stop sign on the Stanford Avenue approach to the intersection located in the Planada SUDP area.

ADOPTED RESOLUTION NO. 2004-36

2. Adopt Resolution designating the intersection of Bloss Avenue and Washington Avenue in the Hilmar area as an All-Way Stop and authorize installation and maintenance of said stop signs.

ADOPTED RESOLUTION NO. 2004-37

3. Adopt Resolution designating the intersection of Center Avenue and Pioneer Road as an All-Way Stop Intersection and authorize installation of stop signs on the Center Avenue approaches to the intersection.

ADOPTED RESOLUTION NO. 2004-38

4. Adopt Resolution accepting an Easement Deed from Merced City School District for sidewalk purposes along Franklin Road in connection with Village Greens No. 2 Major Subdivision No. 1019 in the Franklin-Beachwood SUDP.

ADOPTED RESOLUTION NO. 2004-39

5. Approve and authorize Chairman to sign Amendment to Contract No. 2003016 with Atwater Electric for Traffic Signal Maintenance Services.

6. Adopt Resolution accepting Grant Deed from CC BAR, a Delaware Limited Liability Corporation, for road right-of-way and public utility easement purposes associated with Conditional Use Permit Application No. 03005 in the Hilmar Specific Urban Development Plan area.

ADOPTED RESOLUTION NO. 2004-40

7. Approve plans and specifications for Le Grand Fire Station Living Quarters Project and authorize Public Works to conduct competitive bid process and to return to the Board with a recommendation for award to the lowest responsible bidder.
8. Proclaim May 16 through 22, 2004 as "National Public Works Week" in Merced County.

District Attorney

9. Proclaim April 18 through 24, 2004 as "Crime Victims' Rights Week" in Merced County.

Risk Management

10. Act on Claims submitted by Calvin Phillips, Nicholas David Turnbough, Greg Wilson, Brooke McLaughlin, Elizabeth Cozzitorto, Arnold Fleming, Eric Perez and Wayne Mays as recommended by Risk Management.

Ag. Commissioner

11. Adopt Resolution authorizing the Chairman to sign Amendment to Contract with Calif. Dept. of Boating and Waterways for the Water Hyacinth Control on Merced County Waterways.
AUTHORIZED CONTRACT NO. 2004047 AND ADOPTED RESOLUTION NO. 2004-41

Treasurer

12. Acceptance of the Quarterly Investment Report for period ending December 31, 2003 and Statement of Investment Policy for the Year 2004.

Budget Transfers

13. Approve Budget Transfers for Child Support Services- \$5,000; District Attorney-\$190,339, Fire-\$7,850, Public Works-\$445 (#035), Sheriff-\$6,791 and \$16,500 as recommended by Executive Office.

Travel Request

14. Approve Travel Request submitted by Public Works and recommended by Executive Office.

Community Action Agency

15. Adopt Resolution authorizing CAB Chair to sign Contract with Madera County CAA to provide Low Income Home Energy Assistance Program (LIHEAP) WX (Weatherization) assistance to eligible low-income households in Madera County.
ADOPTED RESOLUTION NO. 2004-42
16. Adopt Resolution in recognition of the 40th Anniversary of the Community Action Agency.
17. Approve and authorize CAB Chair to sign contract with State Dept. of Education for funding for the Child Development Program to purchase instructional materials and supplies.
18. Approve and authorize CAB Chair to sign Contract with Hewlett-Packard for "Request for Funding" for the community partnership of the Micro-Enterprise Program.
19. Approve and authorize CAB Chair to sign Contract with Manjit S. Nagi and Harlinder K. Nagi for Livingston Women, Infant and Children Supplemental Nutrition Program site facility.
20. Accept and place CAA Information, Staff Reports and Correspondence on file.

Assessor

21. PULLED

Executive Office

22. Approve and authorize Chairman to sign Extension to Contract No. 2001254 with Dr. Phillip M. Hamm, Ph.D. for provision of continuity of services for POST pre-employment psychological services and fitness for duty exams.

Board Recognition

23. Authorize Certificates of Recognition for individuals selected by the Merced/Mariposa FFA Project Competition Committee for outstanding entrepreneurship and work experience projects.

REVIEW BOARD ORDER – SEE PAGE 11

24. Authorize Certificate of Recognition to Golden Valley Health Center-Los Banos Dentist Facility in celebration of their Grand Opening.
25. Authorize Certificate of Recognition to Atwater-Merced Alumnae Chapter Delta Academy in honor of Education, Economics and Empowerment Secrets to Student Success.
26. Authorize Certificates of Recognition to the following in honor of exemplary efforts for the Japanese American Experience Exhibit in Merced County: Eric Andow, Mary Andow, Marilyn Sano Holman, Grace Kimoto, Frances Kiriara, Jack Kiriara, Sherman Kishi, Patti Kishi, Dan Kubo, Caroline Nakashima, Tom Nakashima, Jean Okuye and Peter Yamamoto.
27. Authorize Certificates of Recognition to The Werner Company-2004 Large Business of the Year, Safeway Inc. Merced Grocery Plant-2004 Medium Business of the Year and Clendenin Brothers, Inc. for the 2004 Small Business of the Year by the Greater Merced Chamber of Commerce and Merced Boosters.
28. Authorize Certificate of Recognition to Pat Hall in honor of 29+ years of service with Merced Save Mart Store and 8 years of service to Thrifty's Store.
29. Authorize Certificate of Recognition to Habitat for Humanity Westside in honor of dedicated donors and volunteers.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

30. Approve Plans and Specifications for Replacement of the Dry Rot Fascia Trim at Human Services Agency, authorize Public Works to establish a bid opening date, advertise for competitive bids and return to the Board with recommendation for award with the lowest responsible bidder providing the bid is within the established budget.

APPROVED AS RECOMMENDED AYES: ALL

31. Resolution requiring Curb and Gutter for new development projects located in Rural Residential Centers.

ADOPTED RESOLUTION NO. 2004-43 AS RECOMMENDED AYES: ALL

32. Contract with Kitchell, Inc. for Construction Management-Design Phase of the New Court Building upon receipt of Certificates of Insurance and review by Counsel; authorize Public Works to direct proceeding with work during the Design Phase (incremental fee \$65,000) to review the Architect's Design Development Phase drawings and specifications and return to

the Board upon completion of the Design Development Phase before authorization to proceed with the next phase and approve the necessary budget transfer-\$65,000 (#034).

AUTHORIZE CHAIRMAN TO SIGN CONTRACT NO. 2004048 AYES: ALL

HEALTH

33. FY 2003-04 Proposed Plan of Expenditures for the California Health Care for Indigents Program and authorized Chairman to sign Expenditure Plan Certification Form.

APPROVED AS RECOMMENDED AYES: ALL

MERCED COUNTY SPRING FAIR-LOS BANOS

34. Authorization to solicit proposals for Motocross Racing as Interim Rental for Summer 2004 and to return to the Board for final approval.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

35. Contract with Community Action Agency for Brown Bag Program providing bags of food to senior citizens over 60 living on limited incomes and authorize Director to sign subsequent amendments to contract within the contract budget.

AUTHORIZE CHAIRMAN TO SIGN CONTRACT NO. 2004049 AYES: ALL

36. Contract with Catholic Charities of the Diocese of Fresno for the Senior Companion Program providing volunteer community service opportunities to low-income older individuals for the benefits of adults who need assistance in their daily living.

AUTHORIZE CHAIRMAN TO SIGN CONTRACT NO. 2004050 AYES: ALL

37. Contract with Chae Sun Lee for Lease of Livingston CalWORKs Facility and approve the necessary budget transfer-\$9,830.

AUTHORIZE CHAIRMAN TO SIGN CONTRACT NO. 2004046 AYES: ALL

MENTAL HEALTH

38. PULLED.

39. Approve and authorize Chairman to sign Contract with Auditor-Controller for the pickup and delivery of incoming and outgoing interdepartmental bags of deposits from Los Banos to the Merced location.

AUTHORIZE CHAIRMAN TO SIGN CONTRACT NO. 2004051 AYES: ALL

FIRE-OES

40. Authorize Office of Emergency Services to apply for the 2004 California Office of Homeland Security FY 04 Homeland Security Grant Program; authorize Sheriff, Fire, Health and County Administrative Staff to explore the feasibility of moving the County's existing Emergency Operations Center to another location, consolidating emergency dispatch services within Merced County and co-locating specified administrative functions within each department with recommendations and findings to come back to the Board within 60 days.

APPROVED AS RECOMMENDED AYES: ALL

CEO-Human Resources

41. Allocation of one additional Building Inspector I/II, Range 62.5/64.5 and authorize overhire of one Staff Services Assistant (Position #001) for a Limited Term Appointment for a period

of no more than six months, approve the necessary budget transfer-\$13,500 and adopt Resolution.

ADOPTED RESOLUTION NO. 2004-44 AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

42. Resolution to implement Government Code Section 31641.04 establishing an Early Retirement Plan and providing for additional retirement service credit of up to two years for eligible employees.

REVIEW BOARD ORDER – SEE PAGE 11 AND 12

43. Resolution in opposition to the proposed changes in automobile insurance rate factors.

ADOPTED RESOLUTION NO. 2004-46 AS RECOMMENDED AYES: ALL

44. Resolution supporting Coalition for Realignment Equity and support AB 2766 requesting correspondence be forwarded to legislative representatives.

ADOPTED RESOLUTION NO. 2004-47 AS RECOMMENDED AYES: ALL

45. Board of Supervisors Meeting Schedule.

REVIEW BOARD ORDER – SEE PAGE 12

INFORMATION SYSTEMS

46. Contract with Comcast of California/Massachusetts/Michigan/Utah, Inc. for installation and maintenance of an Institutional Network (I-Net) as part of the upgrade to Comcast's cable system.

AUTHORIZE CHAIRMAN TO SIGN CONTRACT NO. 2004052 AYES: ALL

TREASURER-TAX COLLECTOR

47. Contract with EPOS Corporation to provide Internet Voice Response (IVR) and Internet Tax Payment services.

AUTHORIZE CHAIRMAN TO SIGN CONTRACT NO. 2004053 AYES: ALL

BOARD OF SUPERVISORS

48. Resolution opposing changes in "County of Origin" and "Watershed of Origin" statutes and authorize a letter of opposition be provided to the legislators.

ADOPTED RESOLUTION NO. 2004-48 AS RECOMMENDED AYES: ALL

49. Resolution supporting the Dos Palos Community Center and the programs it provides to the community and supporting the Community Challenge Grant Program and authorizes Resolution be provided to the appropriate agencies and individuals.

ADOPTED RESOLUTION NO. 2004-49 REQUESTING APPROPRIATE INDIVIDUALS AND AGENCIES BE NOTIFIED AYES: ALL

APPOINTMENTS

50. Emergency Medical Care Committee.

REVIEW BOARD ORDER – SEE PAGE 12

51. Business-Economic Opportunities Revolving Loan Fund Loan Administration Board.

REVIEW BOARD ORDER – SEE PAGE 13

52. In-Home Supportive Services Advisory Committee.

REVIEW BOARD ORDER – SEE PAGE 13

- 53. District Five - Dos Palos Cemetery District.
REVIEW BOARD ORDER – SEE PAGE 13
- 54. District Five - Planning Commission.
REVIEW BOARD ORDER – SEE PAGE 13
- 54. District Five – Merced County Children and Families First Commission.
REVIEW BOARD ORDER – SEE PAGE 14

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

- 55. Merced City School District re: Resolution before the Board of Education for Measure S confirming certification of Election Results.
- 56. Le Grand Union Elementary School District re: Fourteen Day Notice of Proposal to Implement Developer Fees.
- 57. National Assn. of Counties re: National County Government Week, April 18 through 24, 2004.
- 58. California Arts Council re: Request by the California Arts Council to continue participation by again designating your county's local arts agency as the authorized partner in the Council's State-Local Partnership Program.
REVIEW BOARD ORDER – SEE PAGE 14
- 59. State Office of Historic Preservation re: National Register of Historic Places - Bank of Italy Building (Mondo Building) in Merced, CA - consideration by the State for nomination to the National Register of Historic Places on April 28, 2004.
- 60. State Fish and Game Commission re: Notice of proposed regulatory actions and test of regulations relative to Mammal Hunting and Trapping Regulations. (On file with Clerk)
- 61. State Water Resources Control Board re: Permits 16597 and 16600 (Applications 14858A and 19304) - Order approving petition for temporary urgency change in permit conditions for New Melones Reservoir on the Stanislaus River in Calaveras County.
- 62. State Water Resources Control Board re: State Revolving Fund (SRF) Program Status.
- 63. Assemblymember Barbara Matthews re: Receipt of letter relative to the Planada Migrant Center site funding retention.

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF JAMES “DONALD” BRAMMER AND STEPHANIE TOMFORD UNTIL TUESDAY, MARCH 16, 2004 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – MARCH 9, 2004

10:00 A. M. SCHEDULED ITEM

2004-03-09 HEALTH - MERCY MEDICAL CENTER MERCED - PRESENTATION

Director of Public Health John Volanti provides a handout to the Board titled Merced County Indigent Health Care Program – Review of Operating and Facility Use Agreements and Medical Assistance Program dated March 2004 and introduces Tim Reilly, MA with Pacific Health Consulting Group.

Mr. Tim Reilly provides an overview of the power point presentation and handouts highlighting on the following area: Study Purpose and Background, Review of MMCM Agreements and Comparison with Agreements in Other California Counties and Assessing the “Actual Cost” of Indigent Care (MMCM), Improvements in Performance Monitoring, Merced County Indigent Care Program Data and Concluding Comments. He states a detailed report will be provided during the scheduled Hospital Meeting set for March 16, 2004.

No further action is taken.

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

10:30 A.M. SCHEDULED ITEM

2004-03-09 TREASURER – PUBLIC HEARING – ORDINANCE NO. 1720 ADOPTED

The time and date previously set for the Second Reading and possible adoption of a Proposed Ordinance titled An Ordinance Delegating Investment Authority to the Merced County Treasurer under the provisions of Government Code Sections 27000.1 and 53607 as submitted by the Treasurer.

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

Treasurer-Tax Collector Karen Adams appears before the Board and briefly reviews the Staff Report.

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Nelson, duly carried, the Board waives further reading of Proposed Ordinance titled An Ordinance Delegating Investment Authority to the Merced County Treasurer under the provisions of Government Code Sections 27000.1 and 53607 and adopts Ordinance No. 1720.

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

10:30 A.M. SCHEDULED ITEM

2004-03-09 PLANNING – PUBLIC HEARING

The time and date previously set for the public hearing to consider an Appeal submitted by San Joaquin Valley Raptor Rescue Center, Protect Our Water, Central Valley Safe Environment Network and Communities for Land, Air and Water to the Planning Commission decision to Conditional Use Permit No. 99022. Said Application submitted by Vander Woude Dairy to construct and operate a 7,613 animal unit (AU) milk cow dairy and a second single family dwelling on a parcel located north of Rahilly Road, west of State Route 59, in the Merced area.

Planner III Bob King reviews the Staff Report and the Planning Commission recommendation further stating it is recommended the Board continue the appeal to March 16, 2004 in order for the necessary Findings and Resolution to be prepared.

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

Planning Partners Consultant Bob Klousner reviews the EIR process and states all items were adequately addressed.

Attorney for Simon Vander Woude Tom Terpstra reviews the process followed by the applicant and reviews the appeal filed stating they do not know how to respond to the appeal, there is no information.

The following speak in support of the Vander Woude Dairy Project:

Western United Dairymen Field Representative Joe Ramos, Western United Dairymen Chief Executive Officer Mike Marsh and Merced County Farm Bureau Executive Director Diana Westmoreland Pedrozo. Community Alliance for Responsible Environmental Stewardship Program Coordinator J. P. Cativiela is present and reviews information from the organization.

Mr. Simon Vander Woude is present and reviews the history of his property, his involvement in the community and his commitment to Merced County in minimizing the impacts and protecting the environment.

The following speak in opposition of the Vander Woude Dairy Project:

Janette Gomes, homeowner by the proposed dairy; Faye Evans, retired school teacher and homeowner by the proposed dairy and Sharon Young, Merced resident. Colleen Trieweiler, Merced resident, briefly comments on documents provided to the Board on the history of the area.

Lydia Miller, San Joaquin Valley Raptor Rescue Center President, reads the letter into the record that was faxed to the Board prior to the Meeting requesting the Board grant the appeal and overrule the Planning Commission's approval of the Vander Woude Dairy.

Attorney representing Mr. Vander Woude Tom Terpstra rebuttals stating documents provided the day before this hearing should be rejected as untimely.

Following a lengthy discussion, the Chairman closes the public hearing and continues the matter to March 16, 2004 as recommended by Staff.

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

CONSENT ITEM NO. 23

2004-03-09 BOARD RECOGNITION

Upon motion of Supervisor Crookham, seconded by Supervisor Kelsey, duly carried, the Board authorizes Certificates of Recognition to the following individuals selected by the Merced/Mariposa FFA Project Competition Committee for outstanding entrepreneurship and work experience projects as follows:

Los Banos FFA-Robby Tomen-Gold, Andree Izoco-Gold, Crystal Alves-Gold, Darren Post-Gold, Amanda Hendrickson-Gold, Lisete Melo-Gold, Will Areias-Gold, Chris Sousa-Gold, Nisa Gallichio-Gold and Andrew Machado-Silver; **Dos Palos FFA**-Seth Rossow-Silver, Sam Wiley-Silver, Valerie Howell-Gold, Katesin Weathers-Silver, Justin Darnell-Silver, Shannon Vandenberg-Gold, William Pruitt-Gold and Brandon Moore-Silver, **Gustine FFA**-Sara Barnes-Gold, Eric Cozzitorto-Silver, Cody Rocha-Gold, Nathaniel Minton-Gold, Eli Minton-Gold, Breanne Fillippini-Silver, Chris Medeiros-Gold, Stuart Mattos-Gold and Jonathan Rodrigues-Silver; **Hilmar FFA**-Nichole Davis-Gold, Kate Rector-Gold, Ashley Mendes-Gold, Cody Burch-Silver, Sean Locke-Gold, Kari Kronberg-Gold, Fallon Dias-Gold, Dennis Miguel-Gold and Rebecca Pereira-Gold; **Merced/Golden Valley FFA**-Michael Kleiber-Gold, Kristen Kleiber-Gold, Cassandra Rudich-Gold, Mollie Rudich-Silver, Theresa Machado-Gold, Shane Avila-Gold, Scott Roduner-Gold, Kristina Anderson-Silver and Ashley Boyles-Gold; **Buhach Colony FFA**-Ryan Bos-Gold, Adam Obad-Silver, Stephanie Obad-Gold, Cody Nunes-Gold, Mario Bandoni-Gold, Curtis Priest-Silver, Cassey Gomes-Silver, Sarah Friesen-Gold and Kaelin Webb-Gold; **Livingston FFA**-Frank Mendoza-Silver, Happy Parnu-Silver and Julie Luzón-Gold; **Atwater FFA**-Amy Wright-Gold, Bobby Lax-Gold, Ryan Pimentel-Silver and Brandon Jonson-Silver; **Le Grand FFA**-Cody Jacobsen-Gold, Sam Silva-Gold, Louis Loucks-Silver, Samantha Moore-Silver, Daniel Fishman-Gold, Rupert Coronado-Gold, Aby Garcia-Gold, Richard Mayo-Gold and Kimberly Falk-Silver; **Mariposa FFA**-Kelly Forsythe-Gold; Faris Simon-Gold, D'Ann Kiely-Gold, Nikki Frietas-Gold, Ben Mecchi-Gold, Jacob Gisler-Gold and Alex Gisler-Gold.

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

ACTION ITEM NO. 42

2004-03-09 EXECUTIVE OFFICE

Supervisor Nelson moves, seconded by Supervisor Crookham, the Board authorize Implementation of Government Code Section 31651.04 establishing an Early Retirement Plan and providing for additional retirement service credit of up to two years for eligible employees.

County Executive Officer Demitrios Tatum reviews the staff report and the strategy for achieving a balanced budget for FY 2004/2005 which includes the implementation of an Early Retirement Plan. He states the real cost is not known until it is known the amount of employees that are interested.

The Board discusses the goals, the incentives offered to the employees, the proposed budget and other options available to balance the budget.

Following a lengthy discussion, Supervisor Nelson withdraws the Motion and Supervisor Crookham withdraws the Second.

Supervisor O'Banion states he does not intend to support any employee that already has received the one year notification increase to receive another two year benefit as part of the Early Retirement Incentive.

Following further discussion and upon motion of Supervisor Cortez Keene, seconded by Supervisor Nelson, duly carried, the Board authorizes implementation of Government Code Section 31641.04 establishing an Early Retirement Plan and providing for additional retirement service credit of up to two years for eligible employees and adopts Resolution No. 2004-45.

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

ACTION ITEM NO. 45

2004-03-09 BOARD OF SUPERVISORS

The Chairman reviews the Board of Supervisors Meeting Schedule that is submitted which identifies potential dates for night meetings.

Following discussion, Supervisor O'Banion moves, to accept Option E – Moving the four Current Day Meetings to a Night Schedule on a Quarterly Basis which identifies March 16, June 8, September 14 and December 14, 2004 as Night Meetings.

Supervisor Crookham seconds the Motion.

Supervisor Nelson speaks in support of Option D, monthly Board Meetings.

The Board discusses the cost of staff overtime at night meetings, whether or not moving meetings to outlying locations can be televised and the cost and municipal advisory council meetings that conflict with board night meetings.

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

The following speak in support of night meetings: Melissa Ortega, Susan Walsh and Renee Davenport.

Following a lengthy discussion, the Chairman calls for a Vote on the Motion.

Supervisor Nelson votes "no". Motion carries.

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

Noes: Nelson

ACTION ITEM NO. 50

2004-03-09 EMERGENCY MEDICAL CARE COMMITTEE

Upon motion of Supervisor Nelson, seconded by Supervisor Crookham, duly carried, the Board appoints Tom Wells, representing Designated Member-OES, to serve as a Member of the Emergency Medical Care Committee, to fill an unexpired term until June 30, 2006.

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

ACTION ITEM NO. 51

2004-03-09 BUSINESS-ECONOMIC OPPORTUNITIES REVOLVING LOAN FUND LOAN ADMINISTRATION BOARD

Upon motion of Supervisor Nelson, seconded by Supervisor Crookham, duly carried, the Board reappoints Denard Davis, Bill Kitchen and Loretta Garcia until December 22, 2005 and Paul Gallegos, Steve Tinetti, Al Sietsema and Nate Marciochi until December 22, 2007 to serve as Members of the Business-Economic Opportunities Revolving Loan Fund Loan Administration Board.

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

ACTION ITEM NO. 52

2004-03-09 IN-HOME SUPPORTIVE SERVICES ADVISORY COMMITTEE

Upon motion of Supervisor Nelson, seconded by Supervisor Crookham, duly carried, the Board appoints Jim Brown to serve as a Member of the In-Home Supportive Services Advisory Committee representing the County Executive Office until July 3, 2006.

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

ACTION ITEM NO. 53

2004-03-09 DOS PALOS CEMETERY DISTRICT

Upon motion of Supervisor Nelson, seconded by Supervisor Crookham, duly carried, the Board reappoints Tony Bertao until February 4, 2006, Geraldine Chambers and Dewey Todd until February 4, 2007 and Alfred Gamboni until February 4, 2005 and appoints Gil Arena until February 4, 2006 to serve as Members of the Dos Palos Cemetery District.

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

ACTION ITEM NO. 54

2004-03-09 PLANNING COMMISSION

Upon motion of Supervisor Nelson, seconded by Supervisor Crookham, duly carried, the Board reappoints Steve Sloan to serve as a Member of the Planning Commission representing District Five until October 1, 2007.

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

ACTION ITEM NO. 54

2004-03-09 MERCED COUNTY CHILDREN AND FAMILIES FIRST COMMISSION

Upon motion of Supervisor Nelson, seconded by Supervisor Crookham, duly carried, the Board reappoints Dorlie Goodger to serve as a Member of the Merced County Children and Families First Commission representing District Five until March 23, 2007.

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

BOARD INFO NO. 58

2004-03-09 BOARD OF SUPERVISORS

Upon motion of Supervisors Crookham, seconded by Supervisor O'Banion, duly carried, the Board requests the Chairman sign a letter of support to continue participation in the State-Local Partnership Program and designates the Merced County Arts Council as the authorized Partner in the California Arts Council as requested by the California Arts Council correspondence dated February 26, 2004.

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