



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, MARCH 30, 2004

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
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

8:30 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: Four 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: Pearson v. County of Merced, Merced County Case No. 147254
Calif. Motorcross Assoc. v. County of Merced, Merced County Case No. 146196

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 8:30 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED THERE WERE NO REPORTABLE ITEMS

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:00 A. M.

PLEDGE OF ALLEGIANCE

PRESENTATION OF SERVICE PIN AWARDS

30 YEARS OF SERVICE - Christine Krebs-Belluomini, Sheriff

25 YEARS OF SERVICE - Sharon Richards, Tax Collector

David Block, Environmental Health

15 YEARS OF SERVICE - Paul Fillebrown, Public Works

10 YEARS OF SERVICE - Karen Adams, Treasurer-Tax Collector

PRESENTATION

California National Guard, National Committee for Employer Support of the Active National Guard and Active Reserve - **HELD OVER**

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)

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) **Assessor-\$0; District Attorney-\$14,000; Health-\$3,000 and \$2,545; Human Services Agency-\$4,706; Sheriff-\$8,817, Corrections-\$3,500 and Capitol Projects-\$23,600; and Public Works-\$2,500 (#041)**

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 25)

APPROVED AS RECOMMENDED AYES: ALL

REPORTS/BOARD DIRECTION

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

10:30 A. M.

PLANNING - CONTINUED PUBLIC HEARING (Public Testimony portion previously concluded)

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 9

PUBLIC WORKS - PUBLIC HEARING

To consider Resolution changing the Road Name of Nguyen Drive to Clear Creek Drive in the Atwater area

REVIEW BOARD ORDER – SEE PAGE 9 AND 10

CONSENT CALENDAR (Items #1 - 25)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. [Adopt Resolution annexing the Cedar Spring Estates](#) Subdivision No. 01005 into the Moran Avenue Street Lighting and Storm Drainage Maintenance Zone of Benefit #235 in County Service Area Number One.
ADOPTED RESOLUTION NO. 2004-51
2. [Adopt Resolution authorizing the installation of a Stop Sign](#) at the Intersection of Krotik Court and Camellia Drive as part of the White Horse Meadows Subdivision in the Atwater area and authorize installation on the Krotik approach to the intersection.
ADOPTED RESOLUTION NO. 2004-52
3. [Adopt Resolution authorizing the installation of an All-Way Stop](#) at the Intersection of Walnut Avenue and California Street in Winton and authorize installation on the Walnut Avenue approach to the intersection.
ADOPTED RESOLUTION NO. 2004-53
4. [Adopt Resolution accepting the Easement Deed from](#) Jeffery/Donna Winder for landscaping purposes along Santa Fe Road in connection with El Capital Estates Major Subdivision in the Franklin-Beachwood area.
ADOPTED RESOLUTION NO. 2004-54
5. [Adopt Resolution accepting a Grant Deed from](#) Jeffery/Donna Winder for Road Purposes along Santa Fe Road in connection with El Capitan Estates Subdivision in the Franklin-Beachwood area.
ADOPTED RESOLUTION NO. 2004-55
6. [Adopt Resolution accepting the Easement Deed from](#) Louise Foote, Mary Walker, Raymond/Patricia Wrobel, Joseph/Jeanette Ferranti for landscaping purposes along Santa Fe Road in connection with El Capitan Estates Major Subdivision in the Franklin/Beachwood

area.

ADOPTED RESOLUTION NO. 2004-56

7. [Adopt Resolution accepting the Grant Deed from](#) Louise Foote, Mary Walker, Raymond/Patricia Wrobel, Joseph/Jeanette Ferranti for Road Purposes along Santa Fe Road in connection with El Capitan Estates Major Subdivision in the Franklin/Beachwood area.

ADOPTED RESOLUTION NO. 2004-57

8. [Accept the Final Map for Cedar Springs Estates](#) Subdivision in the Atwater area.
9. [Adopt Resolution honoring Richard Espino for](#) years of service to the County of Merced.

Mental Health

10. [Approve and authorize Chairman to sign Renewal](#) Contract No. 2004064 with Fresno Care and Guidance for services to mentally disabled adult consumers.
11. [Approve and authorize Chairman to sign Amendment](#) to Contract No. 2004065 with Delhi United Pharmacy for Client Pharmacy Services.
12. [Approve and authorize Chairman to sign Amendment](#) to Contract No. 200240 with Sylmar Health and Rehabilitation Center for placement of clients.

Executive Office

13. [Approve and authorize Chairman to sign Extension](#) to Contract No. 2000132 with J. Stanley Bunce for Employee Assistance Program services.
14. [Approve and authorize Chairman to sign Amendment](#) to Contract No. 200220 with JT2 Integrated Resources for Workers Compensation Program services.

Planning

15. [Set public hearing for April 6, 2004 at 10:30 a.m. to](#) consider Resolution amending fees within the Santa Nella Implementation Plan (Amends Resolution No. 2001-63).

MODIFIED DATE FROM APRIL 6, 2004 TO APRIL 27, 2004

Board of Supervisors

16. [Approve Minutes of October 28, November 4,](#) 18, 25 and December 9, 16 and 23, 2003.

Board Recognition

17. [Authorize Certificate of Recognition to Mental Health](#) in honor of the 2004 Youth to Youth Conference.
18. [Authorize Certificates of Recognition to Bill](#) Crivelli, Scott Hunter, Dave Passadori and Brian Tassej in honor of past services as the Merced County Farm Bureau Board of Director members.
19. [Authorize Certificate of Recognition to the Merced](#) County Republican Women Federated in celebration of their 50th Anniversary.
20. [Authorize Certificate of Recognition to Hilmar Cheese in](#) celebration of the Grand Opening of the Cheese Theatre.
21. [Authorize Certificate of Recognition to Melinda Henness](#) in honor of services provided to the Hilmar/Stevinson Community contributions.

22. [Authorize Certificate of Recognition to Dawna Van Buren](#) in honor of dedicated service as Secretary to the Franklin/Beachwood Municipal Advisory Council.
23. [Proclaim the week of March 18 through 24, 2004](#) as Agricultural Week in the County of Merced.

Travel Request

24. [Approve Travel Request for Mental Health as recommended](#) by Executive Office.

General Services

25. [Approve and authorize the Chairman to sign](#) Extension to Contract No. 2004066 with Office Depot for purchase of office and stationery supplies, furniture and related services.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

26. [Approve plans and specifications for the Re-roof of the](#) Dos Palos City/County Fire Station; authorize Public Works to establish bid opening date, advertise and conduct bid opening and direct Public Works to return to the Board with the recommendation for award with lowest responsive bidder providing the lowest bid received is within the established budget.
APPROVED AS RECOMMENDED AYES: ALL
27. [Authorize rejection of only bid from Commercial Construction](#) Company in the amount of \$299,990 and approve the revised Plans and Specifications for the Repair of the Roof Structure and replace the roofing on the Old Merced County Library/High School; authorize Public Works to re-advertise for competitive bids and direct Public Works return to the Board with recommendation on Award.
APPROVED AS RECOMMENDED AYES: ALL
28. [Award the Architectural Study for Limited](#) Restoration of the El Nido Grammar School to McCandless and Associates for a fee not to exceed \$18,000.
AUTHORIZE CHAIRMAN TO SIGN CONTRACT NO. 2004063 AYES: ALL
29. [Authorize expenditure of \\$100 from Special Board Project](#) Funds-District Four to purchase an annual dance permit for the Delhi Community Unity from the Merced County Sheriff's Office.
APPROVED AS RECOMMENDED AYES: ALL
30. [Authorize expenditure of \\$564 from Special Board Project](#) Funds-District Four to be forwarded to the Delhi Municipal Advisory Council for the purpose of a paint sprayer gun to clean up the graffiti in the community.
APPROVED AS RECOMMENDED AYES: ALL
31. [Authorize expenditure of \\$500 from Special Board Project](#) Funds-District Four to assist the Snelling Courthouse Historical Foundation, Inc. with obtaining non-profit status.
APPROVED AS RECOMMENDED AYES: ALL
32. [Authorize expenditure of \\$450 from Special Board](#) Project Funds-District Four to be forwarded to the Delhi Unified School District to help with the Sober Graduation Celebration

and purchase a mat for the High School Weight Room and approve the necessary budget transfer-\$450 (#045).

APPROVED AS RECOMMENDED AYES: ALL

33. [Authorize expenditure of \\$250 from Special Board Project](#) Funds-District One to be forwarded to the Merced County 4-H Sponsoring Committee for scholarships and other programs that will benefit the youth in the County of Merced.

APPROVED AS RECOMMENDED AYES: ALL

34. [Appraisal and preparation of Environmental](#) documents for relocation of Merced County Fire Station No. 82 (Atwater Fire Department), a parcel of approximately 1.77 acres on the property identified as APN 059-390-044 on the south west side of Hwy. 140; authorize Public Works to prepare an Initial Study and any special studies necessary for the Environmental Review (CEQA) of said property utilizing the firm of URS currently under contract for limited CEQA review projects to return to the Board with recommendation of purchase of property and direct preparation of recommendation for funding or financing of the balance of the project working with the CEO's office and Auditor-Controller and approve the necessary budget transfer-\$159,905. (#043)

APPROVED AS RECOMMENDED AYES: ALL

AUDITOR

35. [Grant Revenue and Reimbursement relief of shortage](#) in the amount of \$100 and authorize replenishment of \$100.

APPROVED AS RECOMMENDED AYES: ALL

36. [Contract with Sheriff for Transportation of Revenue and](#) Reimbursement Deposits in the Los Banos Superior Courts.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004067 AYES: ALL

HUMAN SERVICES AGENCY

37. [Authorize issuance of RFP to locate an entrepreneur](#) who is qualified in operating a Culinary Training and Elderly Nutrition (CTEN) Program that would provide congregate meals at nine sites within the County and home delivered meals for seniors who are home bound to be returned to the Board for approval.

APPROVED AS RECOMMENDED AYES: ALL

FIRE-Office of Emergency Services

38. [Contract No. 2003262 with City of Merced in the amount of \\$5,733.75 and Contract No. 2003263 with American Red Cross](#) in the amount of \$512.25 to continue Community Emergency Response Team (CERT) Training and authorize expenditure of remaining grant funds for supplies, equipment and administration fees in the amount of \$3,955 for the CERT Teams and approve the necessary budget transfer-\$10,210. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

39. [Grant Application for FEMA Fire Act Funding](#) and direct Fire Chief to return to the Board with results and recommendation prior to acceptance of Grant Award.

APPROVED AS RECOMMENDED AYES: ALL

BUSINESS-ECONOMIC OPPORTUNITIES

40. [Authorize negotiations with HdL Companies for](#) a Users License Agreement for Business License Software System subject to review of Counsel, return to the Board with

recommended contract approval and approve the necessary budget transfer-\$20,000.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

41. [Adopt Resolution designating the Merced County Arts Council](#) as the local partner in the California Arts Council State-Local Partnership Program.

ADOPTED RESOLUTION NO. 2004-58 AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

42. [Approve recommended modifications to the Deputy Probation Officer I/II/III and Juvenile Institutions Officer I/II classification specifications](#) minimum qualifications at Probation.

APPROVED AS RECOMMENDED AYES: ALL

43. [Approve the modified job specification to the classification of Animal Services Operations Supervisor at Ag. Commission.](#)

APPROVED AS RECOMMENDED AYES: ALL

44. [Contract with Social Entrepreneurs, Inc. for consultant services for Capacity Building Services](#) as recommended by the Merced County Children and Families Commission.

AUTHORIZE CHAIRMAN TO SIGN CONTRACT NO. 2004068 AYES: ALL

45. [Contract with John Terry Roberts as Interim Risk Manager](#) to provide review of existing risk programs prior to recruiting for a permanent replacement and approve the necessary budget transfer-\$25,000.

AUTHORIZE CHAIRMAN TO SIGN CONTRACT NO. 2004069 AYES: ALL

BOARD APPOINTMENTS

REVIEW BOARD ORDER – SEE PAGE 10

46. [Ad Hoc Committee on Juvenile Offender Resource Options.](#)
47. [District Four - Snelling Cemetery District](#)
48. [District Four - Winton Cemetery District.](#)
49. [Emergency Medical Care Committee - Bylaw Amendment.](#)

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

50. [Executive Office re: Operations Directive 04-61](#) to incorporate AB 846 that prohibits smoking within 20 feet of main entrances, exits and operable windows of any building owned, leased and occupied by the State, County or City and buildings of the UC, CSU and California Community Colleges (Modification to Operations Directive 93-51).
51. [State Dept. of Water Resources re: State Reclamation Board and Calif. Dept. of Water Resources-Flood Management Division](#) have created a database of City and County Administrative contracts responsible for issuing building permits within the area under the Board's jurisdiction.
52. [State Fish and Game Commission re: Agenda Meeting notice for April 1, 2004.](#)

53. [Calif. State Auditor re:](#) County Emergency Medical Services Funds - Report concerning counties' administration of their emergency medical services funds as requested by the Joint Legislative Audit Committee. (On file with Clerk)
54. [State Wildlife Conservation Board re: Minutes](#) of November 18, 2003. (On file with Clerk)

**ADOPTED RESOLUTIONS AND ADJOURNED THE MEETING IN MEMORY OF
JACQUELINE BRIGHAM, OLIVIA VIERRA, MICHAEL JUDGE BROWN AND VINCE PAUL
UNTIL TUESDAY, APRIL 6, 2004 AT 10:00 A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – MARCH 30, 2004

10:30 A.M. SCHEDULED ITEM

2004-03-30 PLANNING – PUBLIC HEARING (Public Testimony portion previously concluded)

The time and date previously set for the public hearing to consider 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 submitted by Planning.

Planner III Bob King reviews the Staff Report recommending the Board adopt the Environmental Impact Report for the Vander Woude Conditional Use Permit No. 99022 and approve the project subject to the recommendations.

Bob Klousner, Planning Partners, reviews a summary of the Environmental Impact Report and addresses concerns mentioned at the previous Board Meeting of March 6, 2004.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried the Board adopts the Environmental Impact Report (EIR) for the Vander Woude Conditional Use Permit No. 99022 including the Errata Supplement to replace Mitigation Measure HYD-6 in Chapter 2, page 2-2 of the Mitigation Monitoring Program, approves the project subject to the recommended findings and adopts Resolution No. 2004-58A, Certification of the Final Environmental Impact Report (EIR) for the Vander Woude Dairy, adoption of a Statement of Findings regarding Significant Effects and Alternatives, adoption of a Statement of Overriding Considerations and adoption of a Mitigation Monitoring Plan.

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

10:30 A.M. SCHEDULED ITEM

2004-03-30 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for the public hearing to consider changing the Road Name of Nguyen Drive to Clear Creek Drive in the Atwater area submitted by Public Works.

Public Works Director Paul Fillebrown reviews the Staff Report and recommendations.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board changes Nguyen Drive to Clear Creek Drive in the Atwater RRC #1 area, authorizes maintenance of new road name signs by Public Works-Road Division and adopts Resolution No. 2004-58B.

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

ACTION ITEM NO. 46

2004-03-30 BOARD APPOINTMENTS – Ad Hoc Committee on Juvenile Offender Resource Options

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board appoints Dr. Lee Anderson, County Education Representative; Ana Pagan, Social Services Representative; John Volanti, Public Health Representative and Shirley Olson, Juvenile Justice Representative to serve as Members of the Ad Hoc Committee on Juvenile Offender Resource Option, serving at the Pleasure of the Board.

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

ACTION ITEM NO. 47

2004-03-30 BOARD APPOINTMENTS – Snelling Cemetery District

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board reappoints Mary Souza and Shirley Thomas until July 1, 2006 and Hugh Boland and Don Weber until July 1, 2007 as Members of the Snelling Cemetery District.

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

ACTION ITEM NO. 48

2004-03-30 BOARD APPOINTMENTS – Winton Cemetery District

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board reappoints Dave Honey, until February 18, 2006 and John Vance until February 18, 2005 and Fred Silveira until February 18, 2007 to complete staggered terms and serve as Members of the Winton Cemetery District.

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

ACTION ITEM NO. 49

2004-03-30 HEALTH – Emergency Medical Care Committee

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board approves the Amendment to the Emergency Medical Care Committee (EMCC) By-Laws establishing an Ad Hoc Appeal Board.

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