



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, MAY 11, 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: 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:
Stephanie Carranza et al v. County of Merced, et al, Merced Case No. 146183, and
San Joaquin Raptor Rescue Center et al. v. County of Merced, Merced Case No. 147649

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

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Section 54957 concerning:

PUBLIC EMPLOYMENT
Title: County Counsel

CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator(s) John Fowler, Business-Economic Opportunities Director pursuant to Section 54956.8 as follows: Property: Development Services Facility

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

10:00 A. M.

PLEDGE OF ALLEGIANCE

PRESENTATION - [NATIONAL NURSES WEEK](#)

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: AFSCME Representative Kristy Waskiewicz, Bryant Owens, Dr. Salvador Sandoval and Gloria Sandoval

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) [Area Agency on Aging-\\$15,819](#); General Services-\$60,000; Human Services Agency-\$25,000 and \$2,559,055; Fire-\$429; Sheriff-\$17,000 and \$2,700

APPROVED AS RECOMMENDED AYES: ALL

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

APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:30 A. M.

BUSINESS-ECONOMIC OPPORTUNITIES - PUBLIC HEARING

To consider Application requesting \$2,000,000 from California Dept. of Housing and Community Development Program, Community Development Block Grant Program Over-the-Counter Allocation for Rehabilitation of Castle Airport Flight Operations Infrastructure

REVIEW BOARD ORDER – SEE PAGE 10

BUSINESS-ECONOMIC OPPORTUNITIES - PUBLIC HEARING

To disclose accomplishments under Community Development Block Grant (CDBG) No. 02-EDBG-899 Feasibility of a Countywide Business Assistance Finance Center

REVIEW BOARD ORDER – SEE PAGES 10 AND 11

EXECUTIVE OFFICE - PROPOSED ORDINANCE - FIRST READING, SET SECOND READING AND POSSIBLE ADOPTION FOR MAY 18, 2004 AT 10:30 A.M.

To consider Proposed Ordinance amending Attendance at Commission and Board Meetings (Amends Ordinance No. 1611)

REVIEW BOARD ORDER – SEE PAGE 11

PRESENTATION - MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) - Regional Transportation Impact Fees Program

REVIEW BOARD ORDER – SEE PAGE 11

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items #1-25)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. [Approve Le Grand Community Day Committee](#) request to use Le Grand Community Park and waive the restriction on the use of alcoholic beverages and amplified music on May 27-29, 2004 for the Le Grand Community Day Celebration.
2. [Adopt Resolution designating the intersection of](#) Lindsey Drive and Cypress Avenue, part of Cypress Estates Unit 1 Subdivision, as a Stop Intersection in the Winton SUDP area and authorize installation of a Stop sign on the Lindsey Drive approach.
ADOPTED RESOLUTION NO. 2004-78
3. [Adopt Resolution forming the Bryant Meadows](#) Major Subdivision No. 01004 Street Lighting and Storm Drainage Zone of Benefit No. 331 in County Service Area Number One.
ADOPTED RESOLUTION NO. 2004-79
4. [Accepting the Final Map for Bryant Estates](#) Subdivision in the Merced area.

5. [Set public hearing for June 22, 2004 at 10:30 a.m. to](#) consider proposed Ordinance entitled County Service Area Number One User Charge Rates for Zones of Benefit for 2004/2005 (Amends Ordinance No. 1703).
6. [Approve and authorize Chairman to sign Renewal](#) Contract No. 2004102 with City of Merced for use of and a portion of the Transpo Center maintenance costs in the amount of \$125,000 for a period of five years.

Claims for Damages

7. [Act on Claims for Damages](#) submitted by Cynthia Martinez and Application for Leave to Present Late Claim for Damages submitted by Dyanna Ogden.

Mental Health

8. [Approve and authorize Chairman to sign](#) Renewal Contract No. 2004103 with Human Services Agency for Mail Service.
9. [Approve and authorize Chairman to sign](#) Amendment to Contract No. 2004104 with Bertelli Drug Store for Pharmacy Services for Mental Health Consumers for period of March 1, 2004 through June 30, 2004 and approve the necessary budget transfer-\$8,000.
10. [Approve and authorize Chairman to sign](#) Renewal Contract No. 2004105 with Health Department for Transport of Interdepartmental Mail.
11. [Approve and authorize Chairman to sign](#) Renewal Contract No. 2003084 with Trial Courts Operation for use of Mental Health Delivery Driver to transport of Interdepartmental Mail.
12. [Adopt Resolution authorizing Chairman](#) to sign Amendment to Contract No. 2001114 with State Dept. of Alcohol and Drug Programs for Negotiated Net Amount and Drug Medi-Cal Contract.

ADOPTED RESOLUTION NO. 2004-80

Health

13. [Adopt Resolution authorizing Chairman](#) to sign Contract No. 2004106 with Water Resources Control Board for Oversight of the Underground Storage Tank Program.

ADOPTED RESOLUTION NO. 2004-81

14. [Adopt Resolution authorizing Chairman](#) to sign Amendment to Contract No. 2004008 with Teris, LLC dba MSE Environmental for Household Hazardous Waste Disposal.

ADOPTED RESOLUTION NO. 2004-82

Ag. Commissioner

15. [Approve and authorize Chairman to sign Renewal](#) Contract No. 2004107 with California Cantaloupe Advisory Board for the Cantaloupe Surveillance Anti-Theft Inspection Services Program in Merced County.

ADOPTED RESOLUTION NO. 2004-83

Travel Requests

16. [Approve Travel Requests for District Attorney and](#) Ag. Commissioner as recommended by Executive Office.

Board Recognition

17. [Proclaim National Volunteer Week and](#) authorize Certificate of Recognition to Jean Arburua for being selected as Volunteer of the Year by Memorial Hospital of Los Banos.
18. [Authorize Certificates of Recognition for selection](#) by the Dairy Herd Improvement Association in recognition of the following Awards: Dias Family Dairy-High Milking Colored Breed Herd, Migliazzo Dairy-High 2x Milking Holstein Herd and Ricca Dairy-High 3x Milking Holstein Herd.
19. [Authorize Certificate of Recognition to Duarte Silveira](#), Presidente De Camra Calheta, Sao Jorge in recognition of the Santo Antao Celebration.
20. [Proclaim April 24, 2004 as Relay](#) for Life Day in the County of Merced.
21. [Authorize Certificate of Recognition to Reverend](#) Claude E. Shaw for Investiture as Pastor of the Mount Moriah First Baptist Church.
22. [Authorize Certificate of Recognition to David Allen](#) Tucker in recognition of Heroism displayed in aiding CHP Officer Wendy Weidenman when attacked along SR-99 on December 2, 2003.
23. [Authorize presentation of Plaque to Mr. and Mrs.](#) Danny J. Iacopi in recognition of their 60th Wedding Anniversary.
24. [Authorize presentation of plaque in](#) Recognition of Accenture, LLP for H.S.A-MAGIC Automation Program for 15 years of development and maintenance.
25. [Proclaim Old Timers Day and authorize](#) Certificate of Recognition to various individuals for attaining the age of 85 and 50 years of residency in the County of Merced.

REVIEW BOARD ORDER – SEE PAGES 11 AND 12

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

26. [Authorize purchase of Tax Defaulted Property](#) located at the intersection of April Avenue and Monica Way in Winton for Storm Drainage Detention Basin, APN 147-171-011.

APPROVED AS RECOMMENDED AYES: ALL

27. [Approve concept of demolishing the existing Rotary Cove I](#) and the construction of a new Rotary Cove by the Merced Rotary Cove at no cost to Merced County, approve the preliminary design of the proposed new Rotary Cove and direct Public Works to return to the Board for acceptance of the gift offer prior to approval of a contract and with completed construction documents, assurance that the Merced Rotary Club has sufficient funds on hand to fully complete all demolition and construction prior to beginning.

REVIEW BOARD ORDER – SEE PAGE 12

28. [Adopt Resolution authorizing Environmental](#) Justice Planning Grant Offer for a Le Grand Circulation Plan upon receipt from the California Dept, of Transportation.

REVIEW BOARD ORDER – SEE PAGE 12 AND 13

29. [Award and authorize Chairman to sign Contract](#) No. 2004108 with Phoenix Coatings Construction for Dos Palos City-County Fire Station Re-roof.
APPROVED AS RECOMMENDED AYES: ALL
30. [Approve Architects Design Development Phase Drawings](#), outline specifications and associated cost estimate of \$11,030,000 for the New Courts Building, authorize Public Works to direct the Architect to proceed with preparation of the Construction Documents Phase and associated Cost Estimate and direct Public Works to return to the Board for approval of construction documents phase and associated cost estimate prior to proceeding to advertise and to place this project out for public bidding, direct Staff to assemble the necessary components of the finance team for the financing of the facility and return to the Board for approval and approve the necessary Budget Transfer-\$482,000 (#56).
APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

31. [Contract No. 2004109 with Atwater Elementary School](#) District for Mental Health Services at the District.
APPROVED AS RECOMMENDED AYES: ALL
32. [Resolution authorizing Contract No. 2004110 with State Dept.](#) of Alcohol and Drug Programs for Negotiated Net Amount and Drug Medi-Cal Contract for FY 2004/2005 through 2005/2007.
ADOPTED RESOLUTION NO. 2004-85 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

33. [Authorize the collaboration with Central Valley Coalition](#) for Affordable Housing to provide transitional housing and services for foster care participants that are aging out of the system.
APPROVED AS RECOMMENDED AYES: ALL

34. [PULLED](#)

PLANNING

35. [Adopt Resolution approving](#) Grant Funds from the California Department of Conservation's Farmland Conservancy Program authorizing the purchase of an agricultural conservation easement on the Bill and Lillian Du Granrut Property (APN 045-130-027 and 045-130-028) on property located on 40 acres of farmland south of El Capitan Way, west of Cortez Avenue in Merced County by the Merced County Farmland & Open Space Trust with the funding from the California Dept. of Conservation, California Farmland Conservancy Program finding that the easement meets the eligibility criteria set forth in Public Resources Code Section 10251, to wit.
ADOPTED RESOLUTION NO. 2004-86 AS RECOMMENDED AYES: ALL

HEALTH

36. [Proclaim May 16 through 22, 2004](#) as "Emergency Medical Services Week" in the County of Merced.
APPROVED AS RECOMMENDED AYES: ALL
37. [Amendment to the Facility Lease](#) Agreement with Mercy Medical Center Merced.
NO ACTION TAKEN – PULLED FROM THE AGENDA

38. [Authorize the transfer of \\$3,200,000 to the State](#) Department of Health Services for the purpose of increased Federal financial participation in Medi-Cal and instruct the Auditor to complete the transfer.

REVIEW BOARD ORDER – SEE PAGES 13 AND 14

TREASURER-TAX COLLECTOR

39. [Approve distribution of excess proceeds](#) from the Public Auction of Tax-Deeded Property Sold due to failure to pay Taxes on Real Property and authorize the Auditor-Controller to authorize payment to the claimants as follows for 259-010-002: Jacqueline Foster-\$10,583.09 and Employment Development Department-\$552.38.

APPROVED AS RECOMMENDED AYES: ALL

BUSINESS-ECONOMIC OPPORTUNITIES

40. [Authorize termination of Contract No. 2003268](#) and authorize Contract No. 2004111 with Bruce Hoagland for approximately 3,600 square feet of concrete parking ramp area at Castle Airport.

APPROVED AS RECOMMENDED AYES: ALL

41. [Contract with Joe Castro dba Castro Electric](#) for Building 855 used for storage purposes at Castle Airport Aviation and Development Center.

AUTHORIZED CONTRACT NO. 2004123 AS RECOMMENDED AYES: ALL

42. [Contract with Valley Motorcycle Training, Inc. for](#) use of a fenced parking area, conference room space for associated classroom training and storage unit for training motorcycles at Castle Aviation and Development Center to train people to ride motorcycles.

AUTHORIZED CONTRACT NO. 2004124 AS RECOMMENDED AYES: ALL

CHILD SUPPORT SERVICES

43. [Authorize purchase of Tandberg Videoconferencing](#) Equipment from VSGI Headquarters for video conferencing at Child Support Services Training and Conference Rooms.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

44. [Accept Staff Recommendation to approve the Early](#) Retirement Incentive Program for Phase One and at Final Budget, action will be requested to substitute and/or delete Early Retirement Incentive Plan positions.

REVIEW BOARD ORDER – SEE PAGES 14 AND 15

BOARD OF SUPERVISORS

45. [2004 Board of Supervisors Committee and Board](#) Assignments.

REVIEW BOARD ORDER – SEE PAGES 15 AND 16

BOARD APPOINTMENTS

46. [District One - Planada Recreation Committee.](#)

APPOINTED VIRGINIA MEJIA TO SERVE AS A MEMBER OF THE PLANADA RECREATION COMMITTEE UNTIL JULY 12, 2007 AYES: ALL

47. [District Four - Mental Health Advisory Board, Hilmar](#) Recreation Committee and Planning Commission Appointments.

REVIEW BOARD ORDER - SEE PAGE 16

SHERIFF

48. [Request to apply for U.S. Dept. of Justice, Universal](#) Hiring Program, COPS in School Grant and authorize the signing and submission of the Grant Application.
REVIEW BOARD ORDER – SEE PAGE 17

BOARD INFORMATION & POSSIBLE ACTION

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

49. [Merced County Library Advisory](#) Commission re: Letter asking the Board to maintain the hours, staffing and services that currently exist in the County Library.
REVIEW BOARD ORDER – SEE PAGE 17
50. [Atwater Elementary School District](#) re: Resolution certifying the Election Results of the Bond Election conducted on March 2, 2004.
51. [NACo re: Survey - Affordable housing for low-](#) to moderate- income working families.
52. [Madera County Board of Supervisors re: Consideration of](#) Approval of Appeal to Federal Emergency Management Agency (FEMA) regarding the Madera County Flood Plain Study, Madera County Water Oversight Committee. (On file with Clerk)
REVIEW BOARD ORDER – SEE PAGES 17 AND 18
53. [Friant Water Users Authority re: Letter to](#) Assembly Member Matthews - response to support for conducting adequate science-based San Joaquin River studies.
54. [Saucelito Irrigation District re: Letter to Assembly](#) Member Matthews - response to support for the San Joaquin River Native Fishery studies.
55. [State Water Resources Control Board re: Notice](#) of Petition for Temporary Change involving the Transfer of 6,000 acre-feet of water to areas within the Westlands Water District under California Department of Water Resources' Permit 16482 (Application 17512).
56. [State Water Resources Control Board re: Notice](#) of Pre-Workshop Hearing - Draft Guidelines for the Implementation of the Small Community Wastewater Grant Program.
57. [State Water Resources Control Board re: Proposed](#) State Fiscal Year 2004/05 State Revolving Fund (SRF) Loan Program Priority List, consideration at Workshop set for June 1, 2004. (On file with Clerk)
58. [State Water Resources Control Board re: Notice](#) of Meeting of Wildlife Conservation Board set for May 13, 2004 Agenda - Item No. 13, Wetland Habitat Restoration, Frog Pond, Merced County, \$85,000. (On file with Clerk)
59. [Dept. of the Interior re: Federal Register - Part](#) II-Fish and Wildlife Service re: Endangered and Threatened Wildlife and Plants; Proposed Designation of critical habitat for the California Red-Legged Frog; Proposed Rule. (On file with Clerk)
60. [California Dream Foundation re: Notice of Convention](#) set for June 18 and 19, 2004 - Founding Convention on Ending Poverty in California and invitation to sign as a coalition member.
61. [Planada Community Center re: Request for Board](#) assistance in maintaining the current programs that serve residents in Planada and support of a memorandum of understanding with the Planada Community Development Corporation to assume the management and

responsibility of the Planada Community Center.

REVIEW BOARD ORDER – SEE PAGE 18

62. [Treasurer-Tax Collector re:](#) New Secured and Unsecured Tax Bills.

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF NORMAN HERMAN, JEAN BLAUERT, WILLIAM LACEY, JACK BRYANT AND FLOYD UPTON UNTIL TUESDAY, MAY 18, 2004 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – MAY 11, 2004

10:30 A.M. SCHEDULED ITEM

2004-05-11 BUSINESS-ECONOMIC OPPORTUNITIES – PUBLIC HEARING

The time and date previously set for a public hearing to consider an Application requesting \$2,000,000 from the California Department of Housing and Community Development Program, Community Development Block Grant Program Over-the-Counter Allocation for Rehabilitation of Castle Airport Flight Operations Infrastructure submitted by Business-Economic Opportunities.

Business-Economic Opportunities Director John Fowler advises due to time constraints and a request for delay by the company with this project, it is not possible to complete this action at this time for the Grant Application and it is recommended no action be taken and the Board consider this for next year's funding which begins July 1, 2004.

Mr. Fowler provides information on next year's funding possibilities. Mr. Fowler states there is a Sign-In Roster for the hearing and individuals are requested to sign in.

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

No action is taken.

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

10:30 A.M. SCHEDULED ITEM

2004-05-11 BUSINESS-ECONOMIC OPPORTUNITIES – PUBLIC HEARING

The time and date previously set for a public hearing to consider and disclose accomplishments under Community Development Block Grant (CDBG) Feasibility of a Countywide Business Assistance Finance Center (Grant No. 02-EDBG-899) submitted by Business-Economic Opportunities.

Business-Economic Opportunities Director John Fowler states there is a Sign-In Roster for this hearing and individuals are requested to sign in. Mr. Fowler reviews the Staff Report and advises Chabin Concepts, Inc. is the consultant hired through a Request for Proposal process and reviews the Findings that were the result of the Needs Assessment for the creation of a Countywide Business Assistance Finance Center conducted by Chabin Concepts, Inc.

Mr. Fowler outlines some of the costs that the County would incur and recommends the Board accept the Feasibility Study for the information that it contains and, due to budget constraints, he recommends the matter be delayed until next year.

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

Chair of the Planada Community Development Corporation Kathleen Ann Lopez asks if the Planada Community Development Corporation is a part of the grant.

Mr. Fowler advises the Planada Community Development Corporation is not mentioned in the document other than there may be a reference that the Corporation exists.

No action is taken at this time.

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

10:30 A.M. SCHEDULED ITEM
2004-05-11 EXECUTIVE OFFICE – PROPOSED ORDINANCE

The time and date previously set to consider a Proposed Ordinance amending Attendance at Commission and Board Meetings to rescind the fees for the Appeals Board/Grievance Committee (Amends Ordinance No. 1611).

County Executive Officer Dee Tatum states the matter is pulled from the agenda.

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

10:30 A.M. SCHEDULED ITEM - PRESENTATION
2004-05-11 MERCED COUNTY ASSOCIATION OF GOVERNMENTS - Regional Transportation Impact Fees Program

Merced County Association of Governments Executive Director Jesse Brown reviews the Staff Report and background information on the Regional Transportation Impact Fees (RTIF) Program effort and reviews the following: RTIF, Why Have a Regional Fee, Follows from the RTP, Growth, Congestion, Financial Outlook, Process Component, List of Involved Parties, State Law Requirements, Technical Tasks Completed, Nexus Test, Nexus Rationale, List of Proposed Projects, Project Funding, Funding Matrix, Cost Shares, Fee Calculation, Proposed Fee Summary, Economic Impact and Concluding Key Points.

The Chairman requests information on whether or not the Board will have the ability to adjust the fee over time once the fee has been determined.

Mr. Brown states the Board has that authority.

No action is taken.

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

CONSENT ITEM NO. 25
2004-05-11 BOARD RECOGNITION

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board proclaims April 25, 2004 as "Old Timers Day" in Merced County and authorizes certificates

of recognition to the following individuals attaining the age of 85 years and 50 years of residency in the County of Merced: Jay Anderson, Aunita Armstrong, Mary Ball, Coma Ballenger, Mary Barioni, Hilda Cabral, Agnes Fagundes Cardoza, Arnold L. Chavez, Delphine A. Choate, Evelyn Christensen, Louella Mae Cotton, William M. Cotton, Peter A. Ehrman, Berthe Favier, H. J. (Jim) Favier, Merle B. Freitas, Fred Frye, A. J. Goza, Gaither Haynes, Gerdie Hume, Louise Kok, Dorothy Kulbeth, Edna Libby, John Lieberman, Robert P. Little, Edna Mc Eachern, Esther Mello, Elizabeth Miller, Louise Murry, Kay Nelson, Virginia Nelson, Mary Vorrelli Nunes, Angie A. Orsi, Wm. M. Otterson, John M. Pafford,, Flora Peluso, Frank Peluso, Gladys Rocha, Virginia Rowe, Emma F. Salha, Frank P. Sarmiento, Opal Sparks, Mary W. Spaulding, Doris Spurlock, Hurbert J. Trindade, Frances A. Turner, Patrina Worbel and Raymond Worbel.

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

ACTION ITEM NO. 27

2004-05-11 PUBLIC WORKS

The Chairman states the item before the Board is to consider Action Item No. 27 – Rotary Cove Replacement at Lake Yosemite as submitted by Public Works.

Merced Rotary Club President-Elect Ed Spinardi advises the Merced Rotary Club's Centennial Project is to demolish Rotary Cove I at Lake Yosemite and construct a new Rotary Cove I Building. Mr. Spinardi displays the proposed design for the new building and requests the Board authorize the Club to proceed. He advises upon completion of the project, the Club will donate the building to the County.

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board approves the concept of demolishing the existing Rotary Cove and the construction of a new Rotary Cove by the Merced Rotary Club at no cost to Merced County; approves the preliminary design of the proposed building; directs Public Works to return to the Board for acceptance of the gift offer from Merced Rotary prior to approval of a contract between Merced County and Merced Rotary; direct Public Works return with completed construction documents, assurance that the Merced Rotary Club has sufficient funds on hand to fully complete all demolition and construction prior to beginning the demolition of the existing building and construction of the new building.

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

ACTION ITEM NO. 28

2004-05-11 PUBLIC WORKS

The Chairman states the item before the Board is to consider Action Item No. 28 – California Dept. of Transportation Grant Offer.

Bryant Owens, Le Grand resident, speaks in opposition to the Environmental Justice Planning Grant Offer for a Le Grand Circulation Plan stating another traffic study is not necessary to determine what is destroying the roads plus this grant will cause a tax on new development in Le Grand. Mr. Owens states concern with how the grant is being pushed through the system.

Public Works Director Paul Fillebrown states staff is working closely with Caltrans on the project.

Supervisor Cortez Keene responds to concerns stating the grant is not a tax on anyone and reviews the past history of the grant since it was applied for several years ago. Supervisor Cortez Keene states the grant is for Le Grand and could be part of an economic plan, assistance with road circulation problems or beginnings of a Community Specific Plan for the Le Grand area.

Chairman of the Planada Community Development Corporation Kathleen Ann Lopez states correspondence was sent to the corporation and the Corporation objects to the grant being prepared with their name without the Corporation's knowledge.

Mr. Fillebrown states the Planada Community Development Corporation name is not on the Grant acceptance and Public Works will be responsible.

Following further discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2004101 with the California Dept. of Transportation, Division of Transportation Planning to accept an allocation in the amount of \$68,400 for an Environmental Justice Planning Grant for the community of Le Grand and adopts Resolution No. 2004-84.

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

ACTION ITEM NO. 38
2004-05-11 HEALTH

Director of Public Health John Volanti, M.P.H. states previously the Board indicated they would like to find ways to assist Mercy Medical Center to improve local services and staff has identified an Intergovernmental Transfer process as a way to accomplish this. Mr. Volanti reviews the staff report and process stating a transfer is before the Board for approval to transfer \$3,200,000 to the State Department of Health Services for the purpose of increasing Federal financial participation in the Medi-Cal program.

Discussion is had on the transfer process, how funds will be used and what would be the consequences if a delay occurred by the Board to further review the matter.

Mr. Volanti responds to Board concerns stating no specific information has been received from CHW staff and if the transfer is delayed, it probably would not occur in this cycle.

Supervisor Nelson expresses concern with not being informed prior to this deadline.

Supervisor Kelsey expresses concern with not being able to meet with the Hospital Administrator and requests further information on how funds will be used.

Following discussion, Supervisor O'Banion moves, seconded by Supervisor Cortez Keene, the Board approve the Intergovernmental Fund Transfer in the amount of \$3,200,000 to the State Department of Health Services for the purpose of increased Federal financial participation in Medi-Cal and instruct the Auditor make such a transfer.

Interim Chief Financial Officer for CHW Wayne Silveria explains the transfer process and advises County Counsel and Counsel for CHW have reviewed the lease.

Supervisor O'Banion requests Mercy Hospital Administrator David Dunham to come back to the Board at their June 8, 2004, Hospital/Board Meeting and report on what will be done with the funds.

Supervisor Kelsey states concern on the 15-day risk with approval of this transfer.

Mr. Dunham advises this is the time frame that we have to work with and a decision must be made at the State level.

The Chairman calls for a vote on the Motion.

Supervisors Crookham, Nelson and Kelsey vote "no". Motion fails.

Ayes: Cortez Keene, O'Banion

Noes: Crookham, Nelson, Kelsey

Supervisor Crookham states she would like the Mercy Medical Center Hospital Administrator and Interim Chief Financial Officer to be present at the June 8, 2004, Hospital/Board Meeting for further discussions on this issue.

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

ACTION ITEM NO. 44

2004-05-11 EXECUTIVE OFFICE

The Chairman allows the following to comment on the Early Retirement Plan that is scheduled on the Agenda during Public Opportunity to Speak:

AFSCME Business Agent Kristi Waskewitz, Public Works-Road Division employee Charlie Stallings and Gary Mondonca, Mr. Stallings' Direct Supervisor request the Board include Charlie Stallings on the list of Phase One of the Early Retirement Incentive Plan stating Mr. Stallings submitted his paperwork for participation in the Early Retirement Program in a timely manner, that he qualifies for the early retirement and the documentation he submitted was sent to the wrong County department and is still missing.

The Chairman advises the matter will be considered later in the agenda when the Early Retirement Plan is before the Board.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Executive Officer Dee Tatum advises the Early Retirement Incentive Program is a component of strategy for balancing the budget for FY 2004/05. The employees under Phase 1 (two years additional service) will be off the payroll by June 30, 2004, while employees under Phase 2 (one year additional service) will be off payroll by December 31, 2004. "A" level managers are not on the list of employees even though some may be retiring.

Supervisor Crookham states the Retirement Board voted to accept the Retirement Plan, however, the effect the Plan will have on the County Retirement System is \$1.5 million and the County has asked to have it amortized over 13 years to pay the money back which will cost \$2.6

million over the 13-year period. Therefore, the net gain for the County is diminished which causes concern.

Following discussion, Supervisor O'Banion moves, seconded by Supervisor Cortez Keene, the Board accepts staff's recommendation to approve the Early Retirement Incentive Program for Phase One, the Board includes Charlie Stallings, an employee of Public Works-Road Division, with the understanding at Final Budget CEO staff will request action by the Board to substitute and/or delete Early Retirement Incentive Plan positions.

Supervisor Crookham votes "no". Motion carries.

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

Noes: Crookham

ACTION ITEM NO. 45
2004-05-11 BOARD OF SUPERVISORS

The Chairman advises the 2004 Board of Supervisors Committee and Board Assignments list has been modified as submitted.

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board approves the Board of Supervisors Committee and Board Assignments for 2004 as follows:

<u>COMMITTEE/BOARD</u>	<u>REGULAR MEMBER</u>	<u>ALTERNATE MEMBER</u>
Area Agency on Aging Advisory Council	Nelson	O'Banion
At Risk Youth and Families	Nelson	O'Banion
BEO Revolving Loan Fund	Crookham	Nelson
CSAC (Calif. Supervisors Assn. Of Counties)	Nelson	Cortez Keene
Dairy Committee	Kelsey	None
Emergency Medical Care Committee	O'Banion	None
Foreign Trade Zone (FTZ)	Nelson	Cortez Keene
General Plan Steering Committee	Kelsey/O'Banion	Crookham
High Speed Rail Commission	Cortez Keene	Nelson
Historical Recognition Advisory Committee	Kelsey	O'Banion
Library Advisory Commission	Crookham	Kelsey
Mental Health Advisory Board	Kelsey	Crookham
Merced County Children's and Families First Commission (Prop 10)	O'Banion	None
Merced County Economic Development Corp.	Kelsey	Crookham
Public Safety (Fire)	Nelson	O'Banion

Public Safety (Law Enforcement)	Crookham	Kelsey
National Assn. Of Counties (NACo)	Nelson	Kelsey
Regional Council of Rural Counties (RCRC)	O'Banion	All Board
San Joaquin Valley Rail Committee	Cortez Keene	Nelson
San Joaquin River Task Force	O'Banion Chris White	Kelsey
San Joaquin Valley Regional Assn. of Calif. Counties (SJVACC)-Exec. Comm.	Cortez Keene	Crookham
San Joaquin Valley Unified Air Pollution Control Board	Nelson	Kelsey
San Joaquin Valley Water Coalition	Kelsey	Crookham
Sesquicentennial Committee	Kelsey	O'Banion
Solid Waste Independent Hearing Panel	Cortez Keene	O'Banion
Underground Utility District Review Comm.	Cortez Keene	O'Banion
YARTS (Yosemite Area Regional Transportation Strategy)	Nelson	Cortez Keene
99 Corridor	Crookham	Cortez Keene
Ayes: Kelsey, Cortez Keene, Crookham, Nelson, O'Banion		

ACTION ITEM NO. 47

2004-05-11 MENTAL HEALTH ADVISORY BOARD

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board reappoints Helen Mayo to serve as a member of the Mental Health Advisory Board, representing District Four, until June 30, 2007.

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

ACTION ITEM NO. 47

2004-05-11 HILMAR RECREATION COMMITTEE

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board appoints Victor Fannelli, Patty Little, Jim Babelle and Frank Marcus to serve as members of the Hilmar Recreation Committee until October 11, 2007.

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

ACTION ITEM NO. 47

2004-05-11 PLANNING COMMISSION

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board appoints Gloria Bettencourt to serve as a member of the Planning Commission, representing District Four, until October 1, 2006.

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

ACTION ITEM NO. 48

2004-05-11 SHERIFF

The Chairman states the item before the Board is to consider Action Item No. 48 – Sheriff Grant from U.S. Dept. of Justice-COPS.

Sheriff Mark Pazin advises there will be a partnership between the Sheriff's Department and the School Districts and funds would be matched by the school districts that wish to be involved in the COPS Grant.

Supervisor Crookham questions what will become of the employee being hired for this position should the grant be discontinued.

Sheriff Pazin advises the schools will pick up the on-going costs when the grant has run its course.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board authorizes the Sheriff to apply for the Department of Justice Grant Funds for a School Resource Officer and authorizes the Chairman to sign Contract No. 2004113 with the Department of Justice-Office of Community Oriented Policing Services (COPS) Grant Program and Contract No. 2004114 with Delhi Unified School District for a School Resource Officer from the Sheriff Department to provide assistance to the Delhi Unified School District. Ayes: Kelsey, Cortez Keene, Crookham, Nelson, O'Banion

INFORMATION ITEM NO. 49

2004-05-11 LIBRARY ADVISORY COMMISSION

The Board authorizes the Chairman to respond to Bob Olson's letter dated April 22, 2004 concerning assistance in maintaining the Merced County Library hours, staffing, and services.

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

INFORMATION ITEM NO. 52

2004-05-11 BOARD OF SUPERVISORS

The Board refers the letter from the Madera County Board of Supervisors concerning the Federal Emergency Management Agency (FEMA) regarding the Madera County Flood Plain

Study, Madera County Water Oversight Committee dated April 6, 2004 to staff for review with a recommendation to come back to the Board.

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

INFORMATION ITEM NO. 61

2004-05-11 PLANADA COMMUNITY DEVELOPMENT CORPORATION

Planada Community Development Corporation Program Director David Corser states the letter from Katie Lopez, Chairman of the Planada Community Development Corporation, that is on the Board Agenda is in response to a two-week notice of eviction from the Community Action Agency Acting Director Hank Strength. Mr. Corser reads a petition that was circulated through the Planada community in support of the Planada Community Development Corporation remaining in its current location. He also met with the Planada Municipal Advisory Council and received unanimous support to continue operations in the same building.

Kathleen Ann Lopez speaks in support of the Planada Community Development Corporation.

Alicia Rodriguez speaks in support of the After School Program in Planada and states concern about the children that attend the program should the program be discontinued.

Bryant Owens states the grants/funds that have been obtained for the Planada Community need to be reviewed to determine what these grants/funds are going to cost "in kind" or in taxes.

The Board refers the letter from the Planada Community Center dated April 29, 2004, concerning the Planada Community Development Center to staff for review with a recommendation to come back to the Board.

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