



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, JULY 20, 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: It is the intention of the Board to meet in Closed Session pursuant to Subdivision (b) of Government Code Section 54957:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Public Health Director

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) Business-Economic Opportunities Director pursuant to Section 54956.8 as follows:
Property/Reference: Castle Airport

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

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: It is the intention of the Board to meet in Closed Session concerning Existing Litigation pursuant to Subdivision (a) of Section 54956.9:
Castro v. County of Merced, Superior Court Case No. 147681
Kudulis v. County of Merced, Superior Court Case No. 147536
1101 S. Highway 59, Merced, CA, Superior Court Case No. 147813

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 RECESSES AT 8:30 A.M. AND RECONVENES AT 10:00 A.M. WITH SUPERVISOR NELSON NOT PRESENT AND THE CHAIRMAN ADVISED THERE WERE NO REPORTABLE ITEMS

10:00 A. M.

PLEDGE OF ALLEGIANCE

PRESENTATIONS:

Recognition and Honor to Margie Dingeldein for participation as a member of the Women's U.S. Olympic Water Polo Team
Update - High Speed Rail Citizen Committee (10 minutes)

REVIEW BOARD ORDER – SEE PAGE 12

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)

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1-60)

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS) ADDED AGENDA ITEM:

REVIEW BOARD ORDER – SEE PAGE 12 AND 13

THE BOARD FINDS THE NEED TO CONSIDER POSSIBLE ACTION ON (1) GRANT APPLICATION CONSIDERATION BY EXECUTIVE OFFICE

**AND (2) HOUSING AUTHORITY OF THE COUNTY OF MERCED AYES:
1, 2, 4, 5 NOT PRESENT: 3**

10:30 A. M.

PLANNING - PUBLIC HEARING

An appeal submitted by Rodney Bianchi to the Planning Commission decision on Minor Subdivision Application No. 04012. Said Application is to divide a 40 acre parcel of land into two parcels of 20 acres on each property located on the north side of Highway 140, approximately 1230 west of Schmidt Road in the Gustine area

REVIEW BOARD ORDER – SEE PAGE 13 AND 14

PLANNING - PUBLIC HEARING

An appeal submitted by Brian Campbell to the Planning Commission decision on Administrative Application No. 04012. Application is to allow a home to be placed within the 1000 buffer of an established dairy on property located on the west side of Griffith Avenue, 1,320' north of August Avenue in the Delhi area

REVIEW BOARD ORDER – SEE PAGE 14, 15 AND 16

PLANNING - PUBLIC HEARING

An appeal submitted by John Zoria to the Planning Commission decision on Minor Subdivision Application No. 03035. Said Application is to divide a 138-acre parcel of land into three parcels of 20 acres each, a 26.7 acre parcel with a 51.3 acre remainder located on the southeast of the intersection Volta and Pioneer Road in the Los Banos area

REVIEW BOARD ORDER – SEE PAGE 16 AND 17

COUNTY COUNSEL - PROPOSED ORDINANCE - SECOND READING AND POSSIBLE ADOPTION

An Ordinance entitled Noise Control in the County of Merced (Adds Chapter 10.60)

REVIEW BOARD ORDER – SEE PAGE 17

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items #1 - 60)

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

Claims for Damages

1. Act on Claims for Damages submitted by David Wayne Hammond, Ramona Martinez, Rodney Whittaker, Joseph Bento, Blanca Colovich, Barbara McGuire, Ernie Machado, Rodney Zumkehr Sr., Theodore Rizzonelli and James D. Reed.

Health

2. Approve and authorize Chairman to sign Renewal Contract No. 2000146 with State Dept. of Health Services for funding in connection with the AIDS Drug Assistance Program.
3. Approve and authorize Chairman to sign Renewal Contract No. 2004199 with Human Services Agency and Probation for the Child Health and Disability Prevention Program requirements of compliance.
4. Approve and authorize Chairman to sign Renewal Contract No. 2000185 with Human Services Agency and Probation for the Health Care Program for Children in Foster Care.
5. Approve and authorize Chairman to sign Renewal Contract No. 2004200 with State Dept. of Health Services for Childhood Immunization Program funding.

ADOPTED RESOLUTION NO. 2004-121

Ag. Commissioner

6. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2004201 with Calif. Dept. of Food and Agriculture for Exotic Insect Pest Detection.

ADOPTED RESOLUTION NO. 2004-122

7. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2004202 with Calif. Dept. of Food and Agriculture for High Risk Pest Exclusion Inspections.

ADOPTED RESOLUTION NO. 2004-123

Auditor-Controller

8. Authorize Relief of Accountability for the shortage that occurred on May 18, 2004 in the amount of \$80 and authorize replenishment.

Mental Health

9. Approve and authorize Chairman to sign Renewal Contract No. 2004064 with Fresno Care and Guidance for Institute for Mental Disease services.
10. Approve and authorize Chairman to sign Renewal Contract No. 2004025 with Crestwood Behavioral Health, Inc. for Institute for Mental Disease services.
11. Approve and authorize Chairman to sign Renewal Contract No. 2004203 with Merced Union High School District for Mental Health services at Livingston High School.
12. Approve and authorize Chairman to sign Renewal Contract No. 2000150 with Residential Care Homes of Merced for provision of residential care.
13. Approve and authorize Chairman to sign Renewal Contract No. 2004204 with Stanislaus County Behavioral Health for provision of inpatient psychiatric services for children and adolescents.
14. Approve and authorize Chairman to sign Renewal Contract No, 2002122 with Delhi Unified School District for mental health services.
15. Approve and authorize Chairman to sign Renewal Contract No. 2004205 with Evans Private Security Patrol for security services at the inpatient unit and other facilities.
16. Approve and authorize Chairman to sign Renewal Contract No. 2000234 with John and Ila Lucas for Alcohol and Drug Services office space located at 3345 M Street, Merced.

Sheriff

17. Approve and authorize Chairman to sign Amendment to Contract No. 2004232 with Merced County Jail Ministry for Minister Services to the inmates housed at the correctional facility.
18. Authorize an increase in the Change Fund from \$20 to \$100 in the Sheriff's Criminal Records Division.
19. Approve and authorize Chairman to sign Amendment to Contract No. 2004233 with Turlock Irrigation District for Patrol Services at the district canals.
20. Approve and authorize Chairman to sign Renewal Contract No. 2004210 with Merced Irrigation District for law enforcement patrol of the MID Canals.
21. Approve and authorize Chairman to sign Contract No. 2004198 with Business-Economic Opportunities for use of Castle Airport Buildings 262 and 1509.
22. Approve and authorize Chairman to sign Renewal Contract No. 2003044 with Mathis Polygraph for Polygraph of new employees.
23. Approve and authorize Chairman to sign Renewal Contract No. 2004236 with Jose and Salvador Walle for the Sheriff's Community Law Enforcement Office in Winton.
24. Set public hearing for July 27, 2004 at 10:30 a.m. to consider recommendations for the 2004 Local Law Enforcement Block Grant Funding by the Local Law Enforcement Advisory Board.

General Services

25. Approve and authorize Chairman to sign Amendment to Contract No. 2003147 with Araiza's Express Janitorial Services for Janitorial Services at Library-Los Banos, Mental Health Westside and Youth Services and Human Services Agency-ABC Program.
26. Approve and authorize Chairman to sign Amendment to Contract No. 2003148 with American Building Maintenance (ABM) Janitorial Services for Janitorial Services in Merced County.
27. Approve and authorize Chairman to sign Amendment to Contract No. 2003146 with Hankerson Cleaning Services for Janitorial Services in Merced County.

Human Services Agency

28. Approve and authorize Chairman to sign Renewal Contract No. 2002169 with Merced County In-Home Supportive Services Public Authority Department to provide for administration of IHSSPA services.
29. Approve and authorize Chairman to sign Renewal Contract No. 2004211 with Calif. Dept. of Aging for Multi-Purpose Senior Services Program.

ADOPTED RESOLUTION NO. 2004-124

30. Approve and authorize Chairman to sign Renewal Contract No. 2004212 with Landy Care, Inc. for provision of various services types for the MSSP and Linkages Programs.
31. Approve and authorize Chairman to sign Renewal Contract No. 2004213 with Health Department for the provision of one full time Public Health Nurse for the Multipurpose Senior Services Program.
32. Approve and authorize Chairman to sign Renewal Contract No. 2004035 with Dept. of Workforce Investment for Senior Community Services Employment Program.

33. Approve and authorize Chairman to sign Renewal Contract No. 2004215 with Health Department for provision of a Public Health Nurse for the In-Home Supportive Services Personal Care Services Program.
34. Approve and authorize Chairman to sign Renewal Contract No. 2004216 with Alz-Care, Inc. for Alzheimer's Day Care Resource Center Program.
35. Approve and authorize Chairman to sign Renewal Contract No. 2003103 with Merced County Association of Governments for the Continuum of Care Homeless Project.
36. Approve and authorize Chairman to sign Renewal Contract No. 2002124 with Merced Medical Supply for provision of non-medical home equipment for the MSSP and Linkages Programs.
37. Approve and authorize Chairman to sign Renewal Contract No. 200297 with Valley Caregiver Resource Center for National Family Caregiver Support Program.

Public Works

38. Set public hearing for August 17, 2004 at 10:30 a.m. to consider Proposed Ordinance amending Local Recreational Parkland Space and/or Fee Obligation.
39. Set public hearing for August 17, 2004 at 10:30 a.m. to consider Proposed Resolution creating the Law Enforcement Facilities Impact Fee Schedule.
40. Set public hearing for August 17, 2004 at 10:30 a.m. to consider Proposed Ordinance adjusting the County Surveyor's Fees.
41. Set public hearing for August 17, 2004 at 10:30 a.m. to consider Proposed Ordinance adjusting the Fees for Improvement Plan Review and Construction Inspection of Subdivision Projects.

Business-Economic Opportunities

42. Set public hearing for August 17, 2004 at 10:30 a.m. to consider Proposed Ordinance relative to the operation of water and sewer systems at Castle Airport Aviation and Development Center and charges related thereto.
43. Set public hearing for August 17, 2004 at 10:30 a.m. to consider Proposed Ordinance establishing Rates and Charges for Businesses or Persons utilizing Castle Airport.
44. Set public hearing for August 17, 2004 at 10:30 a.m. to consider An Ordinance Charging for use of Telecommunications Infrastructure of Castle Airport Aviation and Development Center.
45. Approve and authorize Chairman to sign Addendum to Contract No. 200186 with Castle Knights Aviation, Inc. dba Gemini Flight Support for use of Building No. 1336, Fuel Storage Tanks 4130 and 4131 and approximately 2.91 acres at Castle Airport Aviation and Development Center.
46. Approve and authorize Chairman to sign Addendum to Contract No. 2004217 with AT&T Wireless Services, Inc. for use of Building No. 152 and land adjacent for parking and a modular switch building at Castle Airport Aviation and Development Building.

Dept. of Workforce Investment

47. Set public hearing for August 17, 2004 at 10:30 a.m. to consider Proposed Ordinance establishing a Fee for Enterprise Zone/LAMBRA Voucher Application Process for Employers.

Human Resources

48. Set public hearing for July 27, 2004 at 10:30 a.m. to consider Proposed Ordinance entitled Attendance at Commission and Board Meetings.
49. Authorize an Overhire of one Juvenile Institutions Officer I/II, (Position #33) for a Limited Term Appointment for a period of six months or upon the return of the employee in Probation-Juvenile Hall.
50. Approve and authorize Chairman to sign Renewal Contract No. 2001254 with Dr. Phillip Hamm for Pre-Employment/Fitness for Duty Psychological Services.

District Attorney

51. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2004128 with Calif. Dept. of Justice for Spousal Abuser Prosecution Program participation.

ADOPTED RESOLUTION NO. 2004-125

Information Systems

52. Contract No. 2004219 Extension with Calif. State Dept. of General Services for utilizing the telecommunications services of SBC/Pacific Bell and MCI.

Board of Supervisors Office

53. Approve Minutes of April 6 and 27, 2004 as submitted.
54. Set public hearing for September 21, 2004 at 10:30 a.m. to consider an appeal to Minor Subdivision Application No. 04015.

Board Recognition

55. Authorize Certificate of Recognition to Mr. and Mrs. Tony Cozzi in celebration of their 45th Wedding Anniversary.
56. Authorize Certificate of Recognition to Native Daughters of the Golden West for 118 years of service and contributions to the State of California.
57. Authorize plaque to the Independent Order of Odd Fellows- Santa Rita #124-Dos Palos in recognition of their 100th Anniversary.
58. Authorize Certificates of Recognition to various individuals in honor of being selected by the Greater Merced Chamber of Commerce and Leadership Merced Graduation Class 19.

REVIEW BOARD ORDER – SEE PAGE 17

59. Authorize Plaque to Charles Ogletree in recognition of Humanitarian Service to the County and Community of Merced.
60. Authorize Certificates of Recognition to Paul Singer, Andrew Newufeld, Vern Kellerman and Roberto Hernandez for Finalist in the Father of the Year Contest and to Paul Smith for Father of the Year Award.

REGULAR CALENDAR

BOARD ACTION

BUSINESS-ECONOMIC OPPORTUNITIES

61. Authorize termination of Contract with Merced Aviation, Inc. for office space in Building No. 1340 effective December 31, 2003 and authorize the execution of the Mutual Settlement and Release of Liability document.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004200 AYES: 1, 2, 4, 5
NOT PRESENT: 3**

62. Right-of Entry Contract with Corbala's Catering Service for provision of additional food services to Cingular Wireless Call Center at Castle Airport.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004221 AYES: 1, 2, 4, 5
NOT PRESENT: 3**

AG. COMMISSIONER

63. Authorize issuance of Letter of Interest inviting all Veterinarians to participate in providing medical services for the Merced County Animal Shelter and return to the Board with recommendations.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

64. Authorize preparation and release of Request for proposal for Surgical Sterilization of adopted shelter animals and medical services, select the most responsive provider and return to the Board with recommendations.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

65. Ratify Letter of Request to Governor's Office of Emergency Services requesting Merced County Disaster Declaration due to rangeland drought during Spring, 2004.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

HEALTH

66. Contract with Planned Parenthood Mar Monte to provide HIV Education and Prevention Outreach Activities.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004223 AYES: 1, 2, 4, 5
NOT PRESENT: 3**

67. Authorize the dissolution of the current Tobacco Prevention and Cessation Program Coalition and rescind Resolution No. 90-78 and its amendments; grant approval for the Director of Public Health to form a Merced County Tobacco Use Prevention Program Coalition with membership to be volunteers as outlined in contract activities.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

LIBRARY

68. Authorize acceptance of bequests to the following Branch Libraries: Atwater Branch Library-from Terrance McCauley Law Office for the Anne L. Simpson Estate and Los Banos Branch Library-from Germino, Amaral and Jordan Law Office for the James H. Pricolo Trust Estate with the County Librarian to deposit the checks in the appropriate Trust Funds.

REVIEW BOARD ORDER – SEE PAGE 18

MENTAL HEALTH

69. Authorize submission of Grant Application to the California Dept. of Alcohol and Drug Programs for the Reduction of Binge Drinking-Related Problems among Youth and Young Adults through the Substance Abuse and Mental Health Services Administration Center for Substance Abuse Treatment for FY 2004/05.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

HSA-AREA AGENCY ON AGING

70. Resolution authorizing Contract with California Dept. of Aging for Title III/VII Older American Programs, Title III National Family Caregiver Support Program and State Funded Consolidated Block Grant.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004222 AND ADOPTS
RESOLUTION NO. 2004-126 AYES: 1, 2, 4, 5 NOT PRESENT: 3**

SHERIFF

71. Contract with State of California-35th District Ag. Association for the law enforcement/security services for the Fair at the Merced County Fairgrounds.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004224 AYES: 1, 2, 4, 5
NOT PRESENT: 3**

72. Authorize the Auditor to make payment of past due telephone bills totaling \$223.81 for the Sheriff's Department for the Years of 1998, 1999 and 2001.

NO ACTION TAKEN – TO BE RESCHEDULED ON NEXT AGENDA

DEPT. OF WORKFORCE INVESTMENT

73. Accept and post resignation of Harry Dull from the Merced County Workforce Investment Board.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

74. Approve and set Joint Meeting between the Board of Supervisors and the Workforce Investment Board for October 26, 2004 at 1:30 p.m.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

GENERAL SERVICES

75. Declare property as Surplus Property and authorize its disposal at the unit prices as labeled as follows: Chair (Swivel)-\$10 each, est. quantity 270; Chair (Straight Back)-\$5 each, est. quantity 100; Desk and Credenza (all)-\$20 each, est. quantity 75; File Cabinet-\$10 each, est. quantity 46; Bookcases-\$5 each, est. quantity 6; Tables (assorted)-\$5 each, est. quantity 65; Computer CPU and Keyboard-\$5 each, est. quantity 428; Computer Printers-\$3 each, est. quantity 46; Typewriters-\$3 each, est. quantity 8; approve the County Public Sale to be held on August 14, 2004 and authorize the establishment of a Temporary Change Fund in the amount of \$600 to be deposited back after the sale.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

EXECUTIVE OFFICE

76. Amendment to Resolution adopted under Section 31592.4 of the 1937 Retirement Act and specifying contributions to the 401(h) Account for Retiree Health.

**ADOPTED RESOLUTION NO. 2004-127 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3**

77. Resolution amending the Merced County Human Resources Rules and Regulations Resolution adding Section 2.G.3.c. State Disability Insurance, 2.G.5. Paid Family Leave Program and 2.G.4. Management Disability Program.

**ADOPTED RESOLUTION NO. 2004-128 AS RECOMMENDED AYES: 1, 4, 5
NOES: 2 NOT PRESENT: 3**

PUBLIC WORKS

78. Contract No. 2003152 with Hilmar Swim Club to maintain and operate the Hilmar Swimming Pool for Swim Team events and public swimming. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

79. Resolution granting an Easement to Pacific Bell Telephone Company near Sandy Mush Road to provide a new telephone service to the Correctional Facility and community.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004196 AND ADOPTS
RESOLUTION NO. 2004-129 AYES: 1, 2, 4, 5 NOT PRESENT: 3**

80. Authorize expenditure of \$3,100 from Special Board Project Funds-District Three to reimburse the County Road Fund (BU 30000) for the cost of installing a speed hump on Fern Street in the Franklin/Beachwood area.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

81. Authorize expenditure of \$1,500 to Merced County Economic Development Corporation to help support their efforts in the unincorporated communities of North Merced County and during Final Budget Hearings recommend the transfer of \$1,500 of Special Board Project Funds-District No. Four to 17104/32800.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

82. Authorize expenditure of \$250 to the Winton School District Healthy Start Family Resource Center and during Final Budget Hearings recommend the transfer of \$250 of Special Board Project Funds-District No. Four to 17104/32800.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

83. Set the public hearing for August 31, 2004 at 10:30 a.m. to consider Resolution of Necessity regarding Intent to Condemn Property for construction of the Avenue Two Bridge over Canal Creek Project.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

BOARD OF SUPERVISORS

84. Resolution regarding the potential pollution problems due to discharge from wastewater treatment plant in the Planada Community Services District.

**ADOPTED RESOLUTION NO. 2004-130 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3**

BOARD APPOINTMENTS

85. District One - Plainsburg Cemetery District.

THE BOARD APPOINTS JOAN DICKINSON, WARREN BROWN AND GAIL WILLS TO SERVE UNTIL JULY 20, 2006 AND APPOINTS AARON JOHNSON UNTIL JULY 20, 2007 AND JAMES TESONE TO SERVE UNTIL JULY 20, 2005 AS MEMBERS OF THE PLAINSBURG CEMETERY DISTRICT AYES: 1, 2, 4, 5 NOT PRESENT: 3

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

THE BOARD APPOINTS BRUCE LANGDON UNTIL APRIL 6, 2007, ISRAEL RODRIGUEZ AND TOM THAO UNTIL APRIL 6, 2008 TO SERVE AS MEMBERS OF THE FRANKLIN/BEACHWOOD MUNICIPAL ADVISORY COUNCIL AYES: 1, 2, 3, 5 NOT PRESENT: 3

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: 1, 2, 4, 5 NOT PRESENT: 3

87. General Services re: Update on Public Auctions held on May 7, 2004 and May 27, 2004 at Castle Airport Aviation and Development Center.
88. San Joaquin Valley Air Pollution Control District re: Notice of 2004 Air Quality Symposium.
89. Maxwell Homes re: Letter of support for the draft program EIR/EIS and the analysis and studies that identified high speed trains as the preferred system alternative to address future transportation needs of California.
90. State Wildlife Conservation Board re: Notice of Hearing and possible funding of request from Ducks Unlimited, Inc. for construction of a barrier-free observation pier at the Los Banos Wildlife Area in Merced County.
91. State Dept. of Parks and Recreation re: Brochure highlighting California State Parks' Central Valley Strategy. (On file with Clerk)
92. California State Board of Equalization re: Merced County Assessment Practices Survey.
93. State Water Resources Control Board re: Notice of Petition for a Temporary Change involving the transfer of up to 25,000 acre-feet of water under Merced Irrigation District's License 2685.
94. State Water Resources Control Board re: Notice of Petition for Temporary change involving the transfer of up to 20,000 acre feet of water from the Placer County Water Agency to the Dept. of Water Resources Environmental Water Account under Permits 13856 and 13858 (Applications 18085 and 18087).
95. Dept. of the Youth Authority re: Notice of Proposed Regulatory Action regarding religious services to Wards, California Code of Regulations, Title 15, Division 4, Chapter 3, Subchapter 3, Article 2.
96. City of Merced re: Resolutions adopted by the Merced City Council at its July 8, 2004 meeting concerning the presidential general election to be held on November 2, 2004.

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF EDITH MC GREGOR AND CALVIN OTIS TATUM UNTIL JULY 27, 2004 AT 10:00 A.M.

BOARD ORDERS - SUMMARY ACTION MINUTES – JULY 20, 2004

10:00 A.M. PRESENTATION

2004-07-20 BOARD OF SUPERVISORS - HIGH SPEED RAIL CITIZEN COMMITTEE

Dr. Lee Boese, Jr. and Elaine Trevino, representing the High Speed Rail Citizen Committee, provides the Board with an update and reviews the goals.

Ms. Trevino states the Committee for High Speed Rail is requesting approval of resolution in support of the High Speed Rail system on the Diablo Range, Castle Airport, Aviation and Development Center as a train route stop and as a construction and maintenance facility for the train system and support the Merced County High Speed Rail Committee in the implementation of a marketing and education outreach plan to the Merced community and the Central Valley region.

Supervisor O'Banion states the suggested route would bypass Los Banos.

Ms. Trevino states by having the High Speed Rail go through Los Banos and Pacheco Pass the High Speed Rail would bypass Castle Airport, alleviate jobs and additional dollars for the community.

Supervisor O'Banion requests, and the Board agrees, for the High Speed Rail Committee to go to the west side of the County, speak with the community and get responses before a resolution is approved.

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

Not Present: Nelson

10:00 A.M. ADDED AGENDA ITEM

2004-07-20 EXECUTIVE OFFICE

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board finds a need arose, subsequent to the posting of the agenda, to consider a grant application for funds and places the matter on the Agenda for Board consideration.

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

Not Present: Nelson

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board adopts the 2004 Merced County Continuum of Care Plan and approves the cash match for projects nominated in said plan for Continuum of Care Grant Funds, consisting of \$8,500 Mental Health realignment funds and \$27,439 existing Workforce Investment Act funds (pending Workforce Investment Board Executive committee approval June 28, 2004) and adopts Resolution No. 2004-131.

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

Not Present: Nelson

10:00 A.M. ADDED AGENDA ITEM

2004-07-20 EXECUTIVE OFFICE

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board finds a need arose, subsequent to the posting of the agenda, to consider a grant application for funds and places the matter on the Agenda for Board consideration.

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

Not Present: Nelson

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board supports the Application for Funding on behalf of the Housing Authority of the County of Merced through the Resident Opportunities and Self-Sufficiency Program (ROSS) for the Homeownership Supportive Services, Public Housing Family Self-Sufficiency and the Resident Services Delivery Model – Family and authorizes the Chairman to sign Certification for Grant Application and adopts Resolution No. 2004-132.

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

Not Present: Nelson

10:30 A.M. SCHEDULED ITEM

2004-07-20 PLANNING – PUBLIC HEARING

The time and date previously set for the public hearing to consider an Appeal of the Planning Commission denial on Minor Subdivision Application No. 04012 submitted by Rodney Bianchi to divide a 40 acre parcel of land into two parcels of 20 acres on each property located on the north side of Highway 140, approximately 1230' west of Schmidt Road in the Gustine area as submitted by the Planning Department.

Planner III Bob King reviews the Staff Report and states the Planning Commission recommends denial of the application.

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

Mike Smith, Central California Permit Services representing the applicant, states he was pulled from the Planning Commission Hearing for another meeting in Planning. In addition, Mr. Bianchi ran a few minutes late and when he arrived, a decision had already been made by the Planning Commission, therefore, the applicant never had the opportunity to present his case. Mr. Smith states the applicant's request is to split a 40.6 acre parcel into two parcels of 20.3 acres each in which the applicant wants to use one 20.3 acre parcel for an agricultural truck hauling business.

Diana Westmoreland Pedrozo, Executive Director of Merced County Farm Bureau, reads a letter into the record and asks the Board to deny the appeal.

Following a lengthy discussion Supervisor O'Banion moves, seconded by Supervisor Crookham, the Board exempts Minor Subdivision Application No. 04012 from CEQA; upholds the appeal and overturns the determination of the Planning Commission and approves Minor Subdivision Application No. 04012 subject to the following Conditions:

1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the Planning Commission approval date as required by the Subdivision Map Act and Merced county Subdivision Code.
2. The project shall comply with the standard conditions of approval as adopted in Planning Commission Resolution No. 97-1.
3. A Right-to-Farm Certificate shall be placed on the parcel map notifying the potential buyers of the resulting parcels that the subject property is in the vicinity of active farming operations and residents may be subject to inconveniences or discomforts resulting from the pursuit of agricultural operation.
4. The applicant shall comply with all County, State and Federal regulations.
5. Prior to the recording of the parcel map, the applicant shall provide proof of compliance with Caltrans' requirements including obtaining an encroachment permit and ensuring that existing State drainage facilities will not be significantly impacted by the project.

The Chairman calls for the vote on the motion.

Supervisor Kelsey votes "no". Motion carries.

Ayes: Cortez Keene, Crookham, O'Banion

Noes: Kelsey

Not Present: Nelson

10:30 A.M. SCHEDULED ITEM
2004-07-20 PLANNING – PUBLIC HEARING

The time and date previously set for the public hearing to consider an Appeal of the Planning Commission denial of Administrative Application No. 04012 submitted by Patricia Campbell to situate a second home within 1,000 feet of an existing dairy on property located west of Griffith Avenue, approximately ¼ mile north of August Road in the Delhi area as submitted by Planning.

Planner III Bob King reviews the Staff Report and advises the Planning Commission recommends denial of the application.

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

Brian Campbell, landowner, states the proposed home will be to house his mother and handicapped brother. Mr. Campbell also states if the home is outside 1,000 feet of the existing dairy, it would require a roadway plus the home will be further away from the main house and with the brother's handicap he needs to be closer. Mr. Campbell asks the Board to approve the appeal.

Patricia Campbell, mother of Brian Campbell, states this property was originally purchased with her husband to be their home for the remainder of their lives. Her husband passed away five

years ago, she would like to remain on the property to care for her handicapped son and have him remain close to his brother once she is gone.

Following a lengthy discussion Supervisor O'Banion moves, seconded by Supervisor Crookham, duly carried, the Board exempts Administrative Application No. 04012 from CEQA; upholds the appeal and overturns the determination of the Planning Commission and approve Administrative Application No. 04012 subject to the following Conditions and based on the following Findings:

Condition of Approval:

1. Administrative Application is granted to locate a new manufactured home on the subject property as shown on the approved plot plan.
2. The application shall comply with all applicable regulations administered by the County. These regulations shall include, but not limited to standards administered by the County Fire, Health, Planning and Public Works and Departments.
3. The property owner signs and records a Right-to-Farm Certificate before issuance of a building permit.
4. This Administrative Permit No. 04012 is not transferable to another residence nor does it allow additional residences on APN 045-150-034.
5. For the purpose of mitigation and/or condition monitoring, an inspection fee for \$92.00 shall be required. This fee shall be paid before issuance of a building permit.
6. The Owner(s) shall dedicate to the County of Merced an additional 10-foot width of right-of-way along the entire frontage of Griffith Avenue. The legal description(s) and exhibit(s) needed for the grant deeds shall be prepared by a licensed land surveyor or by a civil engineer authorized to perform land surveying. Approved grant deeds with accompanying legal description(s) and exhibit(s) shall be submitted for recordation prior to the issuance of any building permit.
7. The owner shall obtain an Encroachment Permit from Public Works/Road Division, pay the required permit fees and construct a paved "Rural" type driveway approach at the access point onto Griffith Avenue. All work shall be per Merced county Public Works Improvement Standards and Specifications and shall be accomplished within three months from the date of the building permit issuance.

Findings

1. The applicant is asking for a waiver from the animal confinement ordinance to place a manufactured home, which will be located within the 1,000 foot buffer of an adjacent dairy. The project site is located on the west side of Griffith Avenue 1,320 feet north of August Road in the Delhi area.
2. The application conforms to the Merced County Zoning Code, which requires an Administrative Permit for a residence located within a 1,000 feet of a Dairy, as stated in Section 18.02.B.5.

3. The application is consistent with the Merced County General Plan, including but not limited to, the Land Use Chapter, and as Agricultural land use designation. The development of one single family dwelling may be found exempt from the California Environmental Quality Act, under Guidelines Section 15303.
4. The waiver satisfies the criteria in Section 18.02.B.5 of the Zoning Code for the location of a residence within the buffer area due to the size of the parcel, the location of the proposed residence in relation to the dairy and compliance with the Right-to-farm Ordinance.
5. The project is subject to all applicable County, State, and Federal regulations.
6. The public hearing has been adequately noticed and advertised.

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

Not Present: Nelson

10:30 A.M. SCHEDULED ITEM
2004-07-20 PLANNING – PUBLIC HEARING

The time and date previously set for the public hearing to consider a second Appeal of the Planning Commission denial of Minor Subdivision Application No. 03035 submitted by John Zoria to divide a 138-acre parcel into three 20-acre parcels, a 26.67 acre parcel with a 51.33-acre remainder on property located southeast of the intersection of Volta and Pioneer Roads in the Los Banos area as submitted by Planning.

Planner III Bob King reviews the Staff Report and advises the Planning Commission recommends denial of the application.

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

Larry Bowers, BCA and Applicant John Zoria states they are present to answer Board questions.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board exempts Minor Subdivision Application No. 03035 from CEQA; upholds the appeal and overturns the determination of the Planning Commission and approve Minor Subdivision Application No. 03035 subject to the following Conditions:

1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the Hearing Officer approval date as required by the Subdivision Map Act and Merced County Subdivision Code.
2. The applicant shall comply with all County, State and Federal regulations.
3. A Right-to-Farm Certificate shall be placed on the parcel map notifying the potential buyers of the resulting parcels that the property is in the vicinity of active farming operations and residents may be subject to inconveniences or discomforts resulting from the pursuit of agricultural operation.

4. The applicant shall dedicate 10 feet of right of way along the Volta Road frontage of the project, as required by the Public Works Roads Division.
5. Neither the Outside Canal nor the Delta Mendota Canals may be used as public access roadways without approval of the San Luis Water – Delta-Mendota Water Authority.

Ayes: Kelsey, Cortez Keene, Crookham, O'Banion
Not Present: Nelson

10:30 A.M. SCHEDULED ITEM

2004-07-20 COUNTY COUNSEL – ORDINANCE NO. 1726 ADOPTED

The time and date previously set for Second Reading and possible adoption of a Proposed Ordinance titled An Ordinance Entitled Noise Control in the County of Merced (Adds Chapter 10.60) as submitted by Merced County Counsel.

County Counsel Ruben Castillo reads the Ordinance by title only: AN ORDINANCE ENTITLED NOISE CONTROL IN THE COUNTY OF MERCED (Adds Chapter 10.60).

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board waives further reading of the proposed ordinance.

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board adopts Ordinance No. 1726 An Ordinance Entitled Noise Control in the County of Merced (Adds Chapter 10.60).

Ayes: Kelsey, Cortez Keene, Crookham, O'Banion
Not Present: Nelson

CONSENT ITEM NO. 58

2004-07-20 BOARD OF SUPERVISORS

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board authorizes Certificates of Recognition to the following individuals in honor of being selected by the Greater Merced Chamber of Commerce and Leadership Merced Graduation Class 19: Terry Bohlke, Mary Cervantes, Becky Cipriano, Susan Coston, Emily Foster, Joanna Grimes, Erik Gustafson, Jennifer Jones, LaVon Justice, Kelly Medrano, Tammy Moss, Mike Nelson, Lou Obermeyer, John Price, Joe Ramirez, Nancy Reding, Karen RePass, Judy Rivera, Samuel Ronveaux II, John Volanti and Amanda Walthour.

Ayes: Kelsey, Cortez Keene, Crookham, O'Banion
Not Present: Nelson

ACTION ITEM NO. 68

2004-07-20 LIBRARY

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board authorizes the Chairman to sign Contract No. 2004195 with Terrence M. McCauley Law Office for Anne L. Simpson Estate accepting \$79,025 and authorizing deposit into Atwater Library Trust Fund #02643 on behalf of the Atwater Branch Library; and Contract No. 2004197 with Germino, Amaral, & Jordan Law Office for James H. Pricolo Trust Estate accepting \$18,326.99 and authorizing deposit in Los Banos Library Trust Fund #02923 on behalf of the Los Banos Library and authorizes letters of appreciation on behalf of the Board of Supervisors.

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

Not Present: Nelson



SUMMARY ACTION MINUTES

MERCED COUNTY

IN-HOME SUPPORTIVE SERVICES (IHSS) PUBLIC AUTHORITY

Regular Meeting
TUESDAY, JULY 20, 2004
8:30 A. M.

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

DEMITRIOS O. TATUM
COUNTY EXECUTIVE OFFICER

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

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*

8:30 A. M.

IN-HOME SUPPORTIVE SERVICES (IHSS) PUBLIC AUTHORITY

CLOSED SESSION: It is the intention of the IHSS Public Authority to meet in Closed Session pursuant to Subdivision (f) of Section 54957.6 concerning Conference with County of Merced Staff Negotiators(s) and United Domestic Workers (UDW)

THE BOARD RECESSED AT 8:30 A.M. AND RECONVENES AT 10:00 A.M. WITH SUPERVISOR NELSON NOT PRESENT AND THE CHAIRMAN ADVISING THERE WERE NO REPORTABLE ITEMS