



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, AUGUST 17, 2004

Closed Session – 9:00 a.m.

Regular Meeting – 10:00 a.m.

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

GLORIA CORTEZ KEENE.....DISTRICT 1
KATHLEEN M. CROOKHAM.....DISTRICT 2
MICHAEL G. NELSON.....DISTRICT 3
CHAIR DEIDRE F. KELSEY.....DISTRICT 4
JERRY O'BANION.....DISTRICT 5
Lydia A. Beiswanger, Chief Clerk

DEMITRIOS O. TATUM
COUNTY EXECUTIVE OFFICER

RUBEN E. CASTILLO
COUNTY COUNSEL

*All supporting documentation is available for public review in the Office of the Clerk of the Board of Supervisors located in the County Administration Building, Third Floor, 2222 "M" Street, Merced, California, 95340
During regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday.*

SCHEDULED ITEMS

9:00 A.M.

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: 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: County Executive Officer

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: One Case

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: APN 065-090-010-000, 1101 S. Highway 59, Merced, CA, 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 RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND ADVISED THERE WERE NO REPORTABLE ITEMS

10:00 A.M.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

Senator Jeff Denham - Presentation of Flags

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)

REVIEW BOARD ORDER - SEE PAGE 10

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 26)

APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:30 A.M.

PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE - POSSIBLE ADOPTION

An Ordinance adjusting the Fees for Improvement Plan Review and Construction Inspection of Subdivision Projects (Amends Section 16.08.030.D3 of the County Code and Ordinance Nos. 1699, 1519, 1439, 1321 and 1257)

REVIEW BOARD ORDER - SEE PAGES 10 AND 11

PUBLIC WORKS - PUBLIC HEARING

To consider a Resolution creating the Law Enforcement Facilities Impact Fee

REVIEW BOARD ORDER - SEE PAGE 11

PUBLIC WORKS - PUBLIC HEARING

To consider a Resolution adjusting the Fire Facilities Impact Fee Schedule

REVIEW BOARD ORDER - SEE PAGE 11

PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE - POSSIBLE ADOPTION

To consider Proposed Ordinance adjusting the County Surveyor's Fees (Amends Section 17.040.020 of the County Code and Amends Ordinance No. 1700)

REVIEW BOARD ORDER - SEE PAGES 11 AND 12

PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE - POSSIBLE ADOPTION

To consider Proposed Ordinance entitled Local Recreational Parkland Space and/or Fee Obligation Ordinance (Amends Ord. No. 1090 and a part of Title 17 of the County Code)

REVIEW BOARD ORDER - SEE PAGE 12

BUSINESS-ECONOMIC OPPORTUNITIES - PUBLIC HEARING - PROPOSED ORDINANCE - POSSIBLE ADOPTION

To consider an Ordinance Charging for Use of Telecommunications Infrastructure at Castle Airport Aviation and Development Center (Repeals Ordinance No. 1664)

REVIEW BOARD ORDER - SEE PAGES 12 AND 13

BUSINESS-ECONOMIC OPPORTUNITIES - PUBLIC HEARING

To consider an Ordinance establishing Rates and Charges for Businesses of Persons Utilizing Castle Airport

PUBLIC HEARING CONTINUED TO AUGUST 31, 2004 AT 10:30 A.M.

BUSINESS-ECONOMIC OPPORTUNITIES - PUBLIC HEARING

To consider an Ordinance establishing the Operation of Water and Sewer Systems at Castle Airport Aviation and Development Center and Charges thereto (Repeals Ordinance No. 1666)

PUBLIC HEARING CONTINUED TO AUGUST 31, 2004 AT 10:30 A.M.

AG. COMMISSIONER - PUBLIC HEARING

To consider Master Fee Resolution for the Merced County Agricultural Commissioner-Revised and Amended

REVIEW BOARD ORDER - SEE PAGE 13

PLANNING - PUBLIC HEARING

To consider Resolution concerning the Planning and Community Development Department's Development Review Fees (Supercedes Resolution No. 2003-95)

REVIEW BOARD ORDER - SEE PAGES 13 AND 14

HEALTH - PUBLIC HEARING - PROPOSED ORDINANCE - POSSIBLE ADOPTION

To consider Proposed Ordinance Establishing Fees for Services provided by the Health Department (Revises Ordinance No. 1715)

REVIEW BOARD ORDER - SEE PAGE 14

DEPT. OF WORKFORCE INVESTMENT - PUBLIC HEARING - PROPOSED ORDINANCE - POSSIBLE ADOPTION

To consider Proposed Ordinance establishing a Fee for Enterprise Zone/LAMBRA Voucher Application Process for Employers

REVIEW BOARD ORDER - SEE PAGE 14 AND 15

COUNTY COUNSEL - PUBLIC HEARING - PROPOSED ORDINANCE - FIRST READING

An Ordinance to provide for a Waiver of Penalty Assessment (Revise Section 18.53.04(A) of the County Zoning Code)

REVIEW BOARD ORDER - SEE PAGE 15

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items #1 - 26)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Authorize the Save the Old Library Committee to use Courthouse Park on September 25, 2004 and authorize closure of adjacent portions of 21st and N Streets for their Raise the Roof Fundraiser, waive the restriction on amplified sound equipment for the live entertainment and waive the restriction on alcohol and authorize the sale of alcohol to the public.

REVIEW BOARD ORDER – SEE PAGE 15 AND 16

District Attorney

2. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2004241 with Calif. Dept. of Insurance for Automobile Insurance Fraud Program participation.
ADOPTED RESOLUTION NO. 2004-140
3. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2004242 with Calif. Dept. of Insurance for Workers' Compensation Insurance Fraud Program participation.
ADOPTED RESOLUTION NO. 2004-141

Claims for Damages

4. Act on Claims for Damages submitted by Michael Henry Sofranek, Carta De Clemente and George U. Lloyd.

Mental Health

5. Approve and authorize Chairman to sign Renewal Contract No. 2002184 with Merced City School District for Educational Program Services for Students referred to Alcohol and Drug Services Adolescent Program.
6. Approve and authorize Chairman to sign Renewal Contract No. 2002217 with Aspira Counseling Services for professional and special services.
7. Approve and authorize Chairman to sign Renewal Contract No. 2004244 with San Benito County for services provided to clients placed in Board and Care facilities in Merced County.
8. Approve and authorize Chairman to sign Renewal Contract No. 2004243 with Bertelli Drug Store for pharmacy services.
9. Approve and authorize Chairman to sign Renewal Contract No. 2004091 with Mariposa County Behavioral Health and Recovery for inpatient services at the Marie Green Psychiatric Health Facility.
10. Adopt Proclamation designating the month of September, 2004 as Alcohol and Drug Prevention, Treatment and Recovery Month in the County of Merced.

Health

11. Approve and authorize Chairman to sign Amendment to Contract No. 2004245 with State Dept. of Health Services for AIDS Program Master Agreement and adopt Resolution authorizing Director of Public Health to sign the Memoranda of Understanding.

ADOPTED RESOLUTION NO. 2004-142

Ag. Commissioner

12. Approve and authorize Chairman to sign Renewal Contract No. 2004246 with Calif. Dept. of Food and Agriculture for Nursery Regulatory Inspections.

ADOPTED RESOLUTION NO. 2004-143

13. Approve and authorize Chairman to sign Renewal Contract No. 2004057 with Calif. Crop Improvement Association for services to the Seed Certification Program.

14. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2004247 with Calif. Dept. of Pesticide Regulation for Data Entry and Electronic Transmittal of Pesticide Use Reports.

ADOPTED RESOLUTION NO. 2004-144

15. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2000138 with Calif. Dept. of Food and Agriculture for Glassy-winged Sharpshooter/Pierce's Disease Program.

ADOPTED RESOLUTION NO. 2004-145

Human Services Agency

16. Approve and authorize Chairman to sign Renewal Contract No. 2004028 with California Dept. of Aging for Senior Community Services Employment Program for training and job placement and part-time employment in community service activities.

ADOPTED RESOLUTION NO. 2004-146

17. Approve and authorize Chairman to sign Amendment Contract No. 2004041 with Calif. Dept. of Aging for Title III/VII Senior Services for multiple services to the senior citizens.

Planning

18. Approve and authorize Chairman to sign Addendum to Contract No. 2000202 with Planning Partners for project processing and environmental review assistance to meet processing timelines.
19. Approve and authorize Chairman to sign Amendment to Contract No. 2000203 with Robert Borchard for project processing and environmental review services to meet processing timelines.

REVIEW BOARD ORDER - SEE PAGE 16

Treasurer

20. Accept Treasurer Report for the Quarter Ending June 30, 2004.
21. Set public hearing for August 31, 2004 at 10:30 a.m. to consider Proposed Ordinance to incorporate Treasurer-Tax Collector Fees into Title 5, Revenue and Finance, Chapter 5.37 of County Code.

Board of Supervisors

22. Set public hearing for August 31, 2004 to consider An Appeal to Planning Commission decision on Conditional Use Permit No. 04002.
23. Set public hearing for October 19, 2004 to consider an Appeal to Planning Commission decision on Minor Subdivision Application No. 04007.
24. Approve Minutes of May 11 and 18, 2004 as submitted.

Board Recognition

25. Authorize Resolution in dedication of the opening of the Lorena Falasco Elementary School.
26. Authorize plaque to Junae Atkinson in recognition of outstanding leadership and service to the County of Merced.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

27. Commit to the concept of a joint use pool at the Cesar Chavez Middle School and the use of Parkland Dedication Funds contingent upon the successful development and approval by the Board of an agreement with the Planada School District.

NO ACTION TAKEN – PULLED FROM THE AGENDA

PUBLIC DEFENDER

28. Authorize Letters of Interest to persons and firms who might be interested in contracting with the County for investigator services and return to the Board with a negotiated contract.

REVIEW BOARD ORDER – SEE PAGE 16

HEALTH

29. Contract with Human Services Agency for Linkages Program Targeted Case Management Services.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004248 AYES: ALL

BUSINESS-ECONOMIC OPPORTUNITIES

30. Authorize declaration of the following items as Surplus Equipment to Castle Airport and authorize the transfer of said items to the County of Merced Food Bank, Inc.: One large 3-door Refrigerator, Stainless Steel Sink and Table in Building 1582; three 24-foot and two 12-foot sections of Steel Shelving located behind Building 1248; all the Steel Shelving units (6-8) in Building 1350 and if operational, the two walk-in freezers located outside Building 1360.

APPROVED AS RECOMMENDED AYES: ALL

31. Authorize the sale of a 3-position Modular Office Unit to the 2000 M Street (former Business-Economic Opportunities), Merced, Building Property Owner for the sum of \$500 and authorize General Services to complete the transaction due to the unit being a fixed unit.

APPROVED AS RECOMMENDED AYES: ALL

32. Approve amendment to the Job Creation Investment Fund Plan which also serves as the Comprehensive Economic Development Strategy for the County of Merced.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

33. Approve the Fiscal Year 2004-2005 Area Plan Update 2, authorize the Chairman to sign Transmittal Letter and authorize submission to the California Dept. of Aging.

APPROVED AS RECOMMENDED AYES: ALL

34. Authorize termination of lease of Contract No. 2002197 with Castle Vista for office space in accordance with terms and conditions of the Termination for Convenience clause and authorize General Services to issue a Letter of Termination to the Lessor with concurrence of Counsel.

APPROVED AS RECOMMENDED AYES: ALL

35. Contract with California Dept. of Aging for Health Insurance Counseling and Advocacy Program (HICAP) to assist individuals and families with Medicare problems and other health insurance concerns.

AUTHORIZED CONTRACT NO. 2004249 AND ADOPTED RESOLUTION NO. 2004-147 AYES: ALL

36. Authorization of release of Request for Proposal for a Brown Bag Program, authorize selection of the most responsive provider and negotiation of contract to be returned to the Board for final approval and award.

REVIEW BOARD ORDER - SEE PAGE 17

37. Contract with Shasta County Probation Department for use of Crystal Creek Juvenile Camp Facility for youngsters found by Merced County Juvenile Court to be appropriate for commitment to such Program.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004250 AYES: ALL

AUDITOR

38. Contract with Macias, Gini & Company to perform the Federal Single Audit and Mandated Audits of FY Ending 6/30/2004, 6/30/2005 and 6/30/2006.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004251 AYES: ALL

39. Review and accept the Supplemental Law Enforcement Services Fund (SLESF) Report for the COPS Funding filed with the State Controller and the State Board of Corrections for the Year Ended June 30, 2004 for the District Attorney, Sheriff and Corrections Departments.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

40. Application with Federal Department of Justice to submit the 2004 Local Law Enforcement Block Grant through the computerized INTERNET process and authorize CEO to be the authorized official applying and signing and authorize the Sheriff to continue as the implementing agency.

REVIEW BOARD ORDER - SEE PAGE 17

PLANNING

41. 2004 HOME Investment Partnerships Program Grant and authorization to release a Request for Proposal (RFP) to qualified consultants to provide services for the implementation and grant administration to be returned to the Board for contract award.

REVIEW BOARD ORDER - SEE PAGE 18

42. Authorize issuance of preparation and release of Request for Proposal for consultant services for Planning and Environmental Consultant Services, authorize selection of the most responsive provider and negotiation of contract to be returned to the Board for final approval and award.

REVIEW BOARD ORDER - SEE PAGE 18

EXECUTIVE OFFICE

43. Merced County Community Action Agency designation options.

REVIEW BOARD ORDER - SEE PAGES 18, 19 AND 20

44. Authorize the Auditor to process payment totaling \$70,387.50 for Arthur Collins for billings ranging from October 2001 to June 2004.

REVIEW BOARD ORDER - SEE PAGE 20

45. PULLED

BOARD OF SUPERVISORS

46. PULLED

BOARD APPOINTMENTS

47. District Three- Mental Health Advisory Board.

APPOINTED SALLY RAGONUT TO SERVE AS A MEMBER OF THE MENTAL HEALTH ADVISORY BOARD REPRESENTING DISTRICT THREE UNTIL JUNE 30, 2005 AYES: ALL

48. District Three - Business License Appeals Board.

APPOINTED BERNARD FOURNIER TO SERVE AS A MEMBER OF THE

**BUSINESS LICENSE APPEALS BOARD REPRESENTING DISTRICT THREE UNTIL
OCTOBER 21, 2006 AYES: ALL**

49. Board, Commissions and Committees - Listings, Vacant Positions and Expired Terms.
ACCEPTED AND PLACED ON FILE AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

50. Dept. of Workforce Investment re: 2003/2004 Workforce Investment Act - Subgrant Agreement, Modification 6 with the State Economic Development Department.
51. Planada Elementary School District re: Resolution ordering an Election, Establishing specifications of the election order and requesting consolidation with other elections occurring on November 2, 2004 (2/3 Election).
52. San Joaquin Valley Air Pollution Control District re: Notice of Public Workshops on a Draft Ozone Attainment Demonstration Plan for the San Joaquin Valley Air Basin set for August 12 and August 13, 2004.
53. San Joaquin Valley Regional Association of California Counties re: Opposition to AB 1983.
54. Calif. Regional Water Quality Control Board - Central Valley Region re: Notice of Public Hearing and Notice of Filing Draft Environmental documents concerning adoption of a Basin Plan Amendment for the Control of Salt and Boron Discharges into the Lower San Joaquin River.
55. State Wildlife Conservation Board re: Notice of Meeting set for August 12, 2004. *Note Item #11-Los Banos Wildlife Area Observation Pier, Merced County, \$35,000* (On file with Clerk)
56. California Regional Water Quality Control Board - Central Valley Region re: Notice of Calif. Environmental Quality Act (CEQA) Scoping Meeting regarding Development of Amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basis to revise Water Quality Objectives for pH and Turbidity.
57. State Water Resources Control Board re: Applications 18085 and 18087 - Order approving petition for temporary transfer of up to 20,000 acre-feet of water to the Environmental Water Account.

ADJOURNED MEETING UNTIL TUESDAY, AUGUST 24, 2004 AT 10:00 A.M.

BOARD ORDER – SUMMARY ACTION MUNUTE – AUGUST 17, 2004

10:00 A.M. SCHEDULED ITEM **2004-08-17 PUBLIC OPPORTUNITY**

Le Grand resident Bryant Owens appears to question why the invocation is no longer being conducted at Board meetings. Mr. Owens also states the Planada Community Development Corporation may be able to provide management of the community center with private sources of revenue in the event the Community Action Agency is unable to continue.

Dustin Costa appears and distributes correspondence dated August 12, 2004 regarding Public Records Act Request and correspondence from the Sheriff's Department dated August 10, 2004 relative to Medical Marijuana issues. Mr. Costa responds to the letter in open session and states he would like to provide further information on medical marijuana. The Chairman suggests Public Health Director John Volanti meet with Mr. Costa to discuss his concerns.

Central Valley United Domestic Workers Lead Negotiator Nora Jordon presents handout dated August 1, 2004 regarding the impact of the State Budget on In Home Supportive Service Program and Contract Negotiation Completion and Budget Action Bulletin No. 7 dated July 29, 2004. Ms. Jordon speaks on the budget issue and requests that there be no layoffs.

The following speak on behalf of the United Domestic Workers: John Ramirez, Dr. Salvador Sandoval, John Mora and Leslie Valvidy.

Probation Director Bill Davidson provides a brief update stating the new Juvenile Justice Facility has opened with 60 new beds and he acknowledges the Staff for their hard work.
Present: Kelsey, Cortez Keene, Crookham, Nelson, O'Banion

10:30 A.M. SCHEDULED ITEM **2004-08-17 PUBLIC WORKS – PUBLIC HEARING - ORDINANCE NO. 1728 ADOPTED**

The time and date previously set for a public hearing to consider an Ordinance to Adjust the Fees for Improvement Plan Review and Construction Inspection of Subdivision Projects (Amends Ordinance Nos. 1699, 1519, 1439, 1321 and 1257 and County Code Section 16.08.030.D3) as submitted by Public Works.

Upon motion of Supervisor Crookham, seconded by Supervisor Nelson, duly carried, the Board waives further reading of proposed ordinance titled: An Ordinance to Adjust the Fees for Improvement Plan Review and Construction Inspection of Subdivision Projects (Amends Ordinance Nos. 1699, 1519, 1439, 1321 and 1257 and Section 16.08.030.D3 of the County Code).

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

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

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board adopts Ordinance No. 1728.
Ayes: Kelsey, Cortez Keene, Crookham, Nelson, O'Banion

10:30 A.M. SCHEDULED ITEM
2004-08-17 PUBLIC WORKS - PUBLIC HEARING

The time and date previously set for a public hearing to consider A Resolution creating the Law Enforcement Facilities Impact Fee submitted by Public Works.

Public Works Director Paul Fillebrown reviews the Staff Report advising the fee is not intended to finance any new employees.

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

Following discussion and upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board adopts Resolution No. 2004-148 creating the Law Enforcement Facilities Impact Fee.

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

10:30 A.M. SCHEDULED ITEM
2004-08-17 PUBLIC WORKS - PUBLIC HEARING

The time and date previously set for a public hearing to consider A Resolution adjusting the Fire Facilities Impact Fee Schedule submitted by Public Works.

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

Upon motion of Supervisor Cortez Keene, seconded by Supervisor O'Banion, duly carried, the Board adopts Resolution No. 2004-149 adjusting and adopting the Fire Facilities Impact Fee Schedule.

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

10:30 A.M. SCHEDULED ITEM
2004-08-17 PUBLIC WORKS – PUBLIC HEARING - ORDINANCE NO. 1729 ADOPTED

The time and date previously set for a public hearing to consider an Ordinance to Increase Fees for Processing and Examining Parcel Maps, Subdivision Maps and Recording of Survey Maps (Revises Ordinance No. 1700 and Amends Section 17.40.020 of the County Code) submitted by Public Works.

Upon motion of Supervisor Nelson, seconded by Supervisor Crookham, duly carried, the Board waives further reading of the proposed ordinance titled: An Ordinance to Increase Fees for

Processing and Examining Parcel Maps, Subdivision Maps and Recording of Survey Maps (Revises Ordinance No. 1700 and Amends Section 17.40.020 of the County Code).

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

Public Works Director Paul Fillebrown reviews the Staff Report.

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

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board adopts Ordinance No. 1729.

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

10:30 A.M. SCHEDULED ITEM

2004-08-17 PUBLIC WORKS – PUBLIC HEARING - ORDINANCE NO. 1730 ADOPTED

The time and date previously set for a public hearing to consider an Ordinance titled: Local Recreational Park Land Space and/or Fee Obligation (Amends Ordinance No.1090 and Title 17 of the County Code) submitted by Public Works.

Upon motion of Supervisor Nelson, seconded by Supervisor Crookham, duly carried, the Board waives further reading of the proposed Ordinance titled Local Recreational Parkland Space and/or Fee Obligation (Amends Ordinance No. 1090 and Title 17 of the County Code and Title 17 of the County Code).

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

Public Works Director Paul Fillebrown reviews the Staff Report.

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

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor O'Banion, duly carried, the Board adopts Ordinance No. 1730.

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

10:30 A.M. SCHEDULED ITEM

2004-08-17 BUSINESS-ECONOMIC OPPORTUNITIES - PUBLIC HEARING-ORDINANCE NO. 1729 ADOPTED

The time and date previously set for a public hearing to consider an Ordinance Charging for Use of Telecommunications Infrastructure at Castle Airport Aviation and Development Center (Supercedes Ordinance No. 1664 and adds Chapter 5.80 to the County Code) submitted by Business-Economic Opportunities.

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board waives further reading of the proposed Ordinance titled Relating to Charges for the Use of Telecommunications Infrastructure at Castle Airport Aviation and Development Center (Supercedes Ordinance No. 1664 and adds Chapter 5.80 to the County Code).

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

Business-Economic Opportunities Director John Fowler reviews the Staff Report.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board adopts Ordinance No. 1731.

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

10:30 A.M. SCHEDULED ITEM

2004-08-17 AG COMMISSIONER - PUBLIC HEARING

The time and date previously set for a public hearing to consider revision of the Master Fee Resolution for the Merced County Agricultural Commissioner.

Agricultural Commissioner Dave Robinson reviews the Staff Report.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board adopts Resolution No. 2004-150 to Revise and Amend the Master Fee Resolution for the Merced County Agricultural Commissioner.

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

10:30 A.M. SCHEDULED ITEM

2004-08-17 PLANNING - PUBLIC HEARING

The time and date previously set for a public hearing to consider amending the Planning and Community Development Department's Development Review Fee Schedule (Supercedes Resolution No. 2003-95) submitted by Planning.

Planning and Community Development Director Bill Nicholson reviews the Staff Report.

The Board discusses the proposed Waiver Fee.

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

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board adopts Resolution No. 2004-151 amending the Planning and Community Development Department's Development Review Fee Schedule.

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

10:30 A.M. SCHEDULED ITEM

2004-08-17 HEALTH – PUBLIC HEARING - ORDINANCE NO. 1732 ADOPTED

The time and date previously set for a public hearing to consider an Ordinance Establishing Fees for Services provided by the Health Department (Amends Ordinance Nos. 1065, 1214, 1278, 1325, 1372, 1440, 1456, 1485, 1538, 1556, 1613 and 1715 and codifies Title 9 General Health and Safety, Chapter 9.49) submitted by the Health Department.

Upon motion of Supervisor Nelson, seconded by Supervisor O'Banion, duly carried, the Board waives further reading of the proposed ordinance titled an Ordinance Establishing Fees for Services provided by the Health Department (Amends Ordinance Nos. 1065, 1214, 1278, 1325, 1372, 1440, 1456, 1485, 1538, 1556, 1613 and 1715 and codifies Title 9 General Health and Safety, Chapter 9.49).

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

Public Health Director John Volanti reviews the Staff Report.

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

Upon motion of Supervisor Crookham, seconded by Supervisor Nelson, duly carried, the Board adopts Ordinance No. 1732.

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

10:30 A.M. SCHEDULED ITEM

2004-08-17 DEPARTMENT OF WORKFORCE INVESTMENT – PUBLIC HEARING - ORDINANCE NO. 1733 ADOPTED

The time and date previously set for a public hearing to consider an Ordinance Charging a Fee for the Enterprise Zone/LAMBRA Voucher Application Process for Employers through the Department of Workforce Investment.

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board waives further reading of proposed ordinance titled An Ordinance under Revenue and Finance Charging a Fee for the Enterprise Zone/LAMBRA Voucher Application Process for Employers through the Department of Workforce Investment (Adds Code Title 5, Revenue and Finance, Chapter 5.38 to the County Code).

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

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

Upon motion of Supervisor Crookham, seconded by Supervisor Nelson, duly carried, the Board adopts Ordinance No. 1733.

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

10:30 A.M. SCHEDULED ITEM
2004-08-17 COUNTY COUNSEL – PUBLIC HEARING

The time and date previously set for a public hearing to consider Proposed Ordinance to amend the Zoning Code to Provide for a Waiver of Penalty Assessment (Revises Section 18.53.04(A) of the County Zoning Code) submitted by County Counsel.

Upon motion of Supervisor Nelson, seconded by Supervisor Crookham, duly carried, the Board waives further reading of the proposed ordinance titled An Ordinance to Provide for a Waiver of Penalty Assessment (Revises Section 18.53.04(A) of the County Zoning Code).

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

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board sets second reading and possible adoption for Proposed Ordinance for August 24, 2004 at 10:30 a.m.

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

CONSENT ITEM NO. 1
2004-08-17 PUBLIC WORKS

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board authorizes the Save the Old Library Committee to use Courthouse Park on September 25, 2004 and authorize closure of adjacent portions of 21st and N Streets for their Raise the Roof Fundraiser, waive the restriction on amplified sound equipment for the live entertainment and waive the restriction on alcohol and authorize the sale of alcohol to the public subject to the following conditions:

1. The Save the Old Library Committee to provide the County of Merced with a Certificate of Insurance certifying liability, property damage and product liability insurance coverage of a minimum of one million dollars combined single limits for all activities to be conducted at the Park.

2. The Save the Old Library Committee is to provide the County of Merced with Certificate of Insurance certifying liability coverage, including liquor liability insurance, of a minimum of one million dollars (\$1,000,000.00) combined single limits to cover the sale of alcoholic beverages to the general public. All Certificates of Insurance must include the endorsement, "County of Merced, its agents, officers, and employees are additional insureds." The certificate must be mailed or faxed to Merced County Parks & Recreation Office by September 10, 2004.

3. The sale of alcoholic beverages shall comply with the rules, regulations, and requirements of the California State Department of Alcoholic Beverage Control.

4. The Committee shall provide additional portable restroom facilities as required by the Health Department as may be needed, at no cost to the County of Merced.

5. Contract with the Sheriff's Department for security personnel, or should private security be used, the Sheriff's Department will need to approve the firm used and coordinate its activities.

6. Provide additional refuse bins as may be required or arrange for the daily removal of refuse and arrange with the City of Merced to dump the refuse containers at no cost to the County.

7. Obtain all necessary Health Permits and Business License Permits as required by the Health Department and Business Economic Development.

8. Coordinate with the City of Merced and County of Merced Road Division to obtain approval and barricades for Street Closures.

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

CONSENT ITEM NO. 19

2004-08-17 PLANNING

The Clerk announces the item: Amendment to Contract No. 2000203 with Robert Borchard for project processing and environmental review services to meet processing timelines.

Mr. Bryant Owens questions if it would be prudent to take on more projects than the County can handle and suggests it might be better to scale back projects.

Planning Director Bill Nicholson clarifies the Contract extension stating this is required for the Planning Department support staff due to the existing heavy workload and timelines with the applications being processed.

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board approves and authorizes the Chairman to sign Amendment to Contract No. 2000203 with Robert Borchard to assist the Planning and Community Development Department in project processing and environmental review services to meet processing timelines.

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

ACTION ITEM NO. 28

2004-08-17 PUBLIC DEFENDER

Supervisor Nelson moves, seconded by Supervisor Crookham, the Board authorize Letters of Interest to persons and firms who might be interested in contracting with the County for investigator services for the Public Defender Office and return to the Board with a negotiated contract.

The Board questions the current investigator services, funds that will be expended and the management of the investigator services.

Following discussion, the Chairman requests more information come back to the Board on the proposed services and therefore, the Motion is no longer valid.

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

ACTION ITEM NO. 36

2004-08-17 HUMAN SERVICES AGENCY

The Clerk announces the item: Authorization of release of Request for Proposal for a Brown Bag Program, authorize selection of the most responsive provider and negotiation of contract to be returned to the Board for final approval and award as submitted by Human Services Agency-Area Agency on Aging.

Supervisor Nelson questions the recent Brown Bag Program discontinuance and the Food Bank Program.

Human Services Agency Deputy Director Rhonda Walton states funds for the Brown Bag Program Fiscal Year ended on June 30, 2004 and no new contract was initiated with Community Action Agency until the State Budget funds were finalized. She states the Community Action Agency/Community Action Board did not want to continue this service. She states the Food Bank may be potential vendors for the new funds.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board authorizes the release of Request for Proposal for a Brown Bag Program, authorizes preparation and solicitation and selection of potential vendor with a responsive provider understanding the contract will be returned to the Board for final approval and award.

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

ACTION ITEM NO. 40

2004-08-17 SHERIFF

The Clerk announces the item: Application with Federal Department of Justice to submit the 2004 Local Law Enforcement Block Grant submitted by the Sheriff.

Several Board Members question the amount of grant funds received and states the employees hired under grants should be advised when funds are no longer available, the positions may be terminated.

Under Sheriff Bill Blake is present to respond and states the Grant covers the rural areas.

Following discussion and upon motion of Supervisor Nelson, seconded by Supervisor Cortez Keene, duly carried, the Board authorizes the Sheriff Department to submit the 2004 Local Law Enforcement Block Grant Application to the Federal Dept. of Justice through the computerized INTERNET application process and authorizes the County Executive Officer to be submitted as the authorized official applying and signing the application as required by the Grant via the INTERNET; authorizes the Sheriff Department to continue as the implementing agency for the 2004 Local Law Enforcement Block Grant Award understanding the Contract will come back to the Board for final approval.

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

ACTION ITEM NO. 41
2004-08-17 PLANNING

The Clerk announces the item: 2004 HOME Investment Partnerships Program Grant and Request for Proposal as submitted by Planning.

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor Nelson, duly carried, the Board approves the Planning Director's recommendation to utilize funds from the HOME Program Grant for the County-wide First Time Homebuyer Program; authorizes General Services, in conjunction with Planning, to prepare and release a Request for Proposal (RFP) to qualified consultants for implementation and administration of the 2004 Home Investment Partnerships (HOME) Program Grant understanding, if funded, to select the most responsive provider and negotiate an agreement to be returned to the Board for final contract approval.

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

ACTION ITEM NO. 42
2004-08-17 PLANNING

The Clerk announces the item: Authorization to issue an RFP for Planning and Environmental Consultant Services.

Planning and Community Development Director Bill Nicholson reviews the Staff Report.

Mr. Bryant Owens appears before the Board and questions contracts with outside agencies and the planning department's scope of authority.

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor Nelson, duly carried, the Board authorizes General Services, in conjunction with Planning, to prepare and release a Request for Proposal for Planning and Environmental Consultant Services, select the most responsive providers to perform such services and negotiate an agreement with these providers with the agreement to be returned to the Board for final contract approval.

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

ACTION ITEM NO. 43
2004-08-17 EXECUTIVE OFFICE

The Clerk announces the item: Policy direction regarding the structure of funding, administering and providing services for the Community Action Agency.

County Executive Officer Demitrios Tatum reviews the Staff Report and summaries the alternative structures for Board consideration for the operation of the Community Action Agency stating the options vary from complete County responsibility to no County responsibility.

The Chairman invites the Community Action Board Members to speak.

President of the Community Action Board Carol Roberds states a name change has recently occurred from Community Action Board to Community Action Partnership (CAP).

Community Action Board Interim Executive Director Chairman Hank Strength requests this item be pulled from Board consideration to allow further discussion of Item (1b) listed in the Summary and allow time to research this issue.

Community Action Board Member Joan Faul states a correction needs to be made to the Staff Report listing the WIC Program as part of the Community Action Agency Program.

The Board discusses the funding mechanisms, problems that currently exist and the streamlining of the current operation.

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

Mr. David Corser appears before the Board and questions current employees being hired by the Community Action Board and possible past convictions.

Community Action Board Member Denard Davis clarifies the Head Start Program and the State Preschool Service Program and their differences.

Mrs. Brenda Callahan Johnson clarifies the Housing Service and the Homeless Service Programs.

AFSCME, Local 2703 Representative Kristi Waskewitz states she feels it is premature for the Community Action Board to be a stand-alone program.

Following further discussion and updates to the current status provided by the Community Action Board members, Ms. Faul recommends a joint study session with the Community Action Board and the Board of Supervisors to address concerns.

Mr. Bryant Owens appears and reiterates the concerns with the Planada Community Development Corporation and the Community Action Agency management of the Planada Building.

The Chairman closes the public opportunity portion of the discussion.

Following discussion, Supervisor Kelsey moves, seconded by Supervisor Cortez Keene, the Board approve Option No. 3 – Non Profit Corp. Designated as CAA and that the Community Action Board be designated as the Community Action Agency for the purpose of accessing federal funding and directly providing services with a transition period of 6 months.

Supervisor O'Banion states he has several concerns and therefore cannot support the motion as presented. He questions the designee of funding from the State and states both the Head Start and WIC Program are successful programs and this legal authority needs to be determined. He reviews Option (1b) – Strengthen County Involvement.

Following further discussion, Supervisor Cortez Keene recommends the transition period be extended to June, 2005 for a 10 month transition period. Supervisor Kelsey agrees to the change to the Motion.

The Chairman calls for a vote on the Motion.

Supervisors Crookham, Nelson and O'Banion vote "no". Motion fails.

Ayes: Kelsey, Cortez Keene

Noes: Crookham, Nelson, O'Banion

Following further discussion, Supervisor O'Banion moves, seconded by Supervisor Nelson, the Board approve Option (1b) recommendation to Strengthen County Involvement as follows: 1. The County remain as the Community Action Agency (CAA) for the purpose of accessing federal funding with services being provided by the Community Action Board (CAB).

Following discussion, Assistant County Counsel Fernande Saude reviews the responsibilities of the Community Action Board and the funding requirements.

Discussion is had on the current operation and Board Members discuss possible duplication of services, fund availability for adequate oversight, legal questions and concerns on the operation of the programs and qualifications for non-profit status.

The Chairman states a possible study session to clarify concerns should be considered.

Supervisor O'Banion amends the motion, seconded by Supervisor Cortez Keene, to continue the matter until August 31, 2004 to gather additional information through a forum or other means that can be presented to the Board.

County Executive Officer Tatum suggests the Community Action Board provide a Listing of Programs and Services provided by Community Action Agency/Community Action Board to clarify duplicated programs.

The Chairman calls for a vote on the Amended Motion. Motion carries.

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

The Chairman clarifies the Board continue the Matter to August 31, 2004 at 9:00 a.m. for a Study Session on the policy direction regarding the structure of funding, administering and providing services for the Community Action Agency.

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

ACTION ITEM NO. 44

2004-08-17 EXECUTIVE OFFICE

The Clerk announces the item: Authorize the Auditor to process payment totaling \$70,387.50 for Arthur Collins for billings ranging from October 2001 through June 2004 for services provided as a contract public defender for indigent defense services.

Supervisor Crookham expresses concern with the billing provided to the County by Mr. Collins.

Following discussion, County Counsel Ruben Castillo responds to various concerns by Board Members and states a tighter well-defined contract will prevent this from occurring in the future.

Supervisor O'Banion moves, seconded by Supervisor Nelson, the Board authorize the Auditor-Controller to process payment totaling \$70,387.50 to Arthur Collins for services as Contract Public Defender for Indigent Defense Services ranging from October 2001 through June 2004.

Mr. Bryant Owens comments on the proposed contract.

The Chairman calls for a Vote on the Motion.

Supervisor Crookham votes "no". Motion carries.

Supervisor Cortez Keene states for the record she will never do this again, it is not right.

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

Noes: Crookham