



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, DECEMBER 07, 2004

Closed Session – 3:30 p.m.

Regular Meeting – 5:30 p.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

3:30 P. 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: Two Cases

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: Planning and Community Development Director
Title: Human Services Agency Director

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; Deputy Sheriff Association, Unit 10 and Non-Safety Corrections, Unit 12

THE BOARD RECESSED AT 3:30 P.M. AND RECONVENED AT 5:30 P.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED THERE WERE NO REPORTABLE ITEMS

5:30 P. M.

PLEDGE OF ALLEGIANCE

PRESENTATION - MCAG - Regional Transportation Impact Fee Overview
REVIEW BOARD ORDER – SEE PAGE10

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

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Public Works-\$4,700, Sheriff-\$7,544, \$50,000 and \$5,311 and Dept. of Workforce Investment-\$70,000

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 27)

APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

UC DEVELOPMENT OFFICE - PUBLIC HEARING

To consider a proposed amendment to the Merced County General Plan and associated Environmental Review Report. Said amendment is the University Community Plan which lays out the regulatory and policy framework for the development of a new community on 2,100 acres located immediately south of the UC Merced campus. At full build out, the University Community is envisioned to have a population of 31,250 people, a total of 11,600 dwelling units and 2,023,000 square feet of commercial, office and business park development. The University Community Plan also sets forth Area Plan policies to address issues outside of the planning boundaries.

The proposed University Community is located adjacent to the south of the proposed UC Merced Campus, east of Lake Road and north of Yosemite Avenue. The site is generally flat and contains various agricultural land uses,

including cattle grazing and row crops. In addition to the University Community Plan, this General Plan Amendment includes an amendment of the University Community Specific Urban Development Plan (SUDP) Boundary, the re-designation of rural lands to "UC Merced" and "Multiple Use Urban Development" and various technical changes throughout the County General Plan reflecting the addition of the University Community Plan.

REVIEW BOARD ORDER – SEE PAGES 11 THROUGH 14

REPORTS/BOARD DIRECTION

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

CONSENT CALENDAR (Items #1 - 27)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Adopt Resolution forming the Monte Vista Landscaping Maintenance Zone of Benefit No. 333 in County Service Area Number One.
ADOPTED RESOLUTION NO. 2004-218
2. Adopt Resolution annexing Minor Subdivision No. 03060 (Jim Abel) into the Flemming Acres Street Lighting and Storm Drainage Maintenance Zone of Benefit #234 in County Service Area Number One.
ADOPTED RESOLUTION NO. 2004-219
3. Adopt Resolution annexing APN 009-028-023 (Delhi Mini Storage) into the Delhi Street Lighting and Maintenance Zone of Benefit #102 in County Service Area Number One.
ADOPTED RESOLUTION NO. 2004-220
4. Adopt Resolution annexing the Monte Vista Subdivision into the Planada Street Lighting Maintenance Zone of Benefit No. 309 in County Service Area Number One.
ADOPTED RESOLUTION NO. 2004-221
5. Adopt Resolution annexing the Monte Vista Subdivision No. 98003 into the Planada Storm Drainage Maintenance Zone of Benefit No. 329 in County Service Area Number One.
ADOPTED RESOLUTION NO. 2004-222
6. Accept Final Map for Monte Vista Phase I Subdivision No. 98003 in the Planada area.
7. Accept Final Map for Monte Vista Phase II, Subdivision No. 98003 in the Planada area.
8. Adopt Resolution authorizing the installation of a Stop Sign at the Intersection of Lobo Avenue and Drake Avenue in the Franklin-Beachwood area.
ADOPTED RESOLUTION NO. 2004-223
9. Adopt Resolution authorizing the installation of a Stop Sign at the intersection of Shoemaker Avenue and Lobo Avenue in the Franklin-Beachwood area.
ADOPTED RESOLUTION NO. 2004-224
10. Adopt Resolution authorizing the installation of an All-Way Stop at the intersection of Westside Boulevard and Robin Avenue in the Livingston area.
ADOPTED RESOLUTION NO. 2004-225

11. Set public hearing for January 11, 2005 at 10:30 a.m. to consider the Mitigated Negative Declaration for the proposed Merced County Fire Station No. 82 located at State Highway 140 and Gurr Road.

Executive Office

12. Approve Travel Requests for Health, Sheriff (2) and Fire (2) as recommended by Executive Office.
13. Reject Claims for Damages received from National Railroad Passenger Corp (Amtrak), Richard Ahlborn, et al.

Probation

14. Approve and authorize Chairman to sign Renewal Contract No. 2001196 with Dos Palos/Oro Loma Unified School District for placement of deputy probation officer at Dos Palos High School.
15. Approve and authorize Chairman to sign Renewal Contract No. 2004151 with Delhi Unified School District for placement of a deputy probation officer at Delhi High School.

Sheriff

16. Approve and authorize Chairman to sign Amendment to Contract No. 2004302 with McSwain Union Elementary School District for Community and School Resource Deputy.

Human Services Agency

17. Approve and authorize Chairman to sign Renewal Contract No. 2004379 with Hilmar Unified School District for Child Welfare Social Worker.

Health

18. Proclaim December 1, 2004 as "AIDS Day" in Merced County and observe World AIDS Day.

Dept. of Workforce Investment

19. Approve and authorize Chairman to sign Amendment to Contract No. 2004132 with Merced County Office of Education to provide workforce development services and activities to Workforce Investment Act enrolled Merced County Out-of-School youth ages 17-21.

Board Recognition

20. Authorize Certificate of Recognition to Carl Starks in honor of dedicated service to the Franklin/Beachwood Municipal Advisory Council.
21. Authorize Certificate of Recognition to Joe Foster for being honored as Merced-Mariposa Chapter Cattleman of the Year.
22. Authorize Certificates of Recognition to Joel Cozzi, Denise Skidmore, Jeff Marchini, Migliazzo & Sons, Don Reineke for Outstanding Ag. Contributions to Merced County and proclaiming November 19 through 25, 2004 as "Farm City Week" in Merced County.
23. Authorize Certificate of Recognition to retiring Postmaster Ron Deaver for 18 years with Gustine Post Office.

24. Authorize Certificate of Recognition to Wells Fargo Home Mortgage Emerging Markets Office in celebration of Grand Opening and Ribbon Cutting.
25. Authorize Certificate of Recognition to Robert Nolte in honor of years of dedicated service to the Delhi Municipal Advisory Council.
26. Authorize Certificate of Recognition to Dr. Ben Leonard in celebration of 50 years of Family Practice in the Gustine community.
27. Authorize Plaque and Certificate of Recognition to John Derby in honor of his years of service to the County of Merced in connection with the publishing of the County Times, Atwater Times, Winton Times and Mid Valley Publications.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

28. Authorize circulation of Request for Proposal to qualified Engineering firms familiar with Arsenic removal from public water supplies to assist the county in the design of Arsenic Treatment Systems for the John Latoracca Correctional Center/Iris Garrett Juvenile Justice Complex, the Stevinson Head Start/Fire Station and the residence at Hagaman Park with a recommendation consultant and a funding source to come back to the Board for approval.

APPROVED AS RECOMMENDED AYES: ALL

29. Authorize replacement of two Detective Sedans and one Decommissioned (wrecked) Patrol Vehicle as part of the Fiscal Year 2004/2005 Fleet Vehicle Purchase and direct Public Works to develop and issue a call for bids and approve the budget transfer in the amount of \$75,675.00. (#019)

APPROVED AS RECOMMENDED AYES: ALL

30. Adopt the proposed Color Scheme for the Department of Public Works - Road Division new Vehicle purchases to be phased in as new vehicles are purchased and to save money by not repainting vehicles with new color scheme to leave vehicles white with decals of florescent yellow and green strips with the new County logo.

APPROVED AS RECOMMENDED AYES: ALL

31. Authorize proceeding with design of the Development Services Project to expand the existing Department of Public Works Complex at 715 Martin Luther King Jr., as an option to house the One Stop Development Permits Center, including CEQA compliance and construction documents and direct Public Works to return to the Board for approval of necessary documents and bid opening date.

APPROVED AS RECOMMENDED AYES: 4, 1, 3, 5 NOES: 2

32. Make the finding that Flanagan Park is a local park and adopt Resolution changing the name of Flanagan Park to Ray Flanagan Park along with the transfer ownership of the Park to the City of Merced and authorize appropriate documents be executed and signed. (4/5 Vote Required)

NO ACTION TAKEN – CONTINUED TO DECEMBER 14, 2004 AGENDA

33. Accept as a gift the new Rotary Cove I Building and authorize the License Contract with Merced Rotary Club upon approval by Counsel; approve plans and specifications for the new Rotary Cove I Building and authorize Public Works Director to issue a Notice to

Proceed for the demolition of the existing Rotary Cove I Building and the construction of the new Rotary Cove I Building.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004377 AYES: ALL

34. Adopt Resolution to establish expedited Road Project contracting processes for urgent repairs of bridges, traffic signals and other roads-related items and authorize Public Works Director to contract for such repairs utilizing established processes in conformance with Public Contract Codes 20409, 20394, and 20395(e) and 20394.5 and per Resolution No. 94-254.

ADOPTED RESOLUTION NO. 2004-226 AYES: ALL

35. Award Contract to Merced Construction in the amount of \$23,000 per Calif. Contract Code Section 20150.9 for re-roofing of the Planada Community Center.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004376 AYES: ALL

36. Approve the painting, new floor covering and electrical modifications to the Public Health Offices in Los Banos as an addition to the Capital Improvement Project listing with a total project budget of \$34,450, authorize Public Works to proceed with the Design and approve the necessary budget transfer in the amount of \$5,000.

APPROVED AS RECOMMENDED AYES: ALL

37. Approve the construction of fencing at the Public Health Parking Lot as an addition to the Capital Improvement Project listing, approve Project Budget of \$56,000, authorize Public Works to proceed with the Design and approve the necessary budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

38. Authorize the use of Special Board Project Funds-District One for the following: \$15,000 to the Le Grand Community Services District for development of a new municipal domestic water well and \$2,500 transferred to the Planada Community Hall Re-roof Project (17000/83650) and approve the budget transfer in the amount of \$17,500. (#022) (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

39. Authorize the expenditure of Special Board Project Funds-District One for the following: \$500 to Planada Municipal Advisory Council; \$1,700 for landscaping and irrigation improvements at the Livingston Branch Library; \$7,000 for the local match requirement of the Safe Routes to School Grant; \$10,000 for the installation of three speed humps on Stanford Street in Planada and approve the budget transfer in the amount of \$36,200. (#020)

APPROVED AS RECOMMENDED AYES: ALL

40. Authorize transfer of \$1,500 of Special Board Project Funds-District Three to Ag. Commissioner Animal Control (28700/21300) for the purpose of purchasing building materials for the construction of a fenced landscaped area at the Merced County Animal Shelter that will be built by a Scout as an Eagle Scout Project and approve the budget transfer. (#024)

APPROVED AS RECOMMENDED AYES: ALL

41. Authorize expenditure of Special Board Project Funds-District No. 4 in the amount of \$2,500 to the Merced County Food Bank, Inc. for the purchase of food items and \$275 be forwarded to the USDA for room rental and materials for a two-phase short course to be held on January 11 and 18, 2005 at the Gustine Library and approve the budget transfer in the amount of \$2,775. (#021)

APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

42. Authorize release of Request for Proposal for a Men's and Women's Residential Alcohol and Other Drug Treatment Services, select the most responsive provider to perform such services and negotiate an agreement to be returned to the Board with recommended action and final approval.

APPROVED AS RECOMMENDED AYES: ALL

AUDITOR

43. Memorandum of Understanding with Superior Court of California-County of Merced for the enhanced collection efforts of Court Fees, Fines and Penalties with Revenue and Reimbursement.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004380 AYES: ALL

SHERIFF

44. Memorandum of Understanding with Merced County Superior Court for the Department of Justice 2004 Grant to Encourage Arrest Policies and Enforcement of Protection Orders Program and accept funding.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004381 AYES: ALL

45. Authorize purchase of Airplane from Wolfe Aviation and approve the necessary budget transfer in the amount of \$90,000.

APPROVED AS RECOMMENDED AYES: ALL

FIRE

46. Contract with U.S. Fish and Wildlife Service, San Luis and Merced National Wildlife Refuges to provide fire aid and coordination between the parties to detect, prevent and suppress fires within the jurisdictions.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004382 AYES: ALL

UC DEVELOPMENT OFFICE

47. Contract with EIP Associates for Phase V of the University Community Plan for Professional Land Use Planning.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004383 AYES: ALL

EXECUTIVE OFFICE

48. Approve Amendments to Merced County Group Insurance Programs to include Registered Domestic Partners to be the same as contributions for spouses for the Health, Dental, Vision and Life Insurance per AB 205 and authorize Amendment to Contracts with Standard Insurance Company.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004384 (DENTAL PLAN) AND 2004385 (INSURANCE PLAN) AS RECOMMENDED AYES: ALL

49. Authorize Overhire of two Correctional Officers (Position No. 010 and 021) for a Limited Term Appointment.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

50. Change the following Board Meeting dates for the 2005 Year: Add February 22, 2005 as a Board Meeting date and remove March 1, 2005 as a Board Meeting date due to conflict with

NACo Conferences.

APPROVED AS RECOMMENDED AYES: ALL

51. Set public hearing for January 11, 2005 at 10:30 a.m. to consider the appeal to Conditional Use Application No. 99009, Jaxon Mine Expansion.

REVIEW BOARD ORDER – SEE PAGES 14 AND 15

BOARD APPOINTMENTS

52. District Three - Advisory Board on Alcohol and Other Drug Problems.

THE BOARD APPOINTED HERBERT A. OPALEK TO SERVE AS A MEMBER OF THE ADVISORY BOARD ON ALCOHOL AND OTHER DRUG PROBLEMS REPRESENTING DISTRICT THREE UNTIL JUNE 30, 2008 AYES: ALL

53. District Four - Advisory Board on Alcohol and Other Drug Problems.

THE BOARD REAPPOINTED VICKI HUMBLE TO SERVE AS A MEMBER OF THE ADVISORY BOARD ON ALCOHOL AND OTHER DRUG PROBLEMS REPRESENTING DISTRICT FOUR UNTIL JUNE 30, 2008 AYES: ALL

54. Delhi Municipal Advisory Council - Appointment.

THE BOARD APPOINTED DENNIS COTE TO SERVE AS A MEMBER OF THE DELHI MUNICIPAL ADVISORY COUNCIL UNTIL JANUARY 3, 2007 AYES: 4, 1, 2, 3 NOES: 5

55. Merquin County Water District.

THE BOARD APPOINTED PHIL DORES TO SERVE AS A MEMBER OF THE MERQUIN COUNTY WATER DISTRICT UNTIL DECEMBER 5, 2005 AYES: ALL

56. Workforce Investment Board - Resignation Community Based Organization representative.

THE BOARD ACCEPTED THE RESIGNATION OF BRIAN GRIFFIN FROM THE WIB AYES: ALL

57. Workforce Investment Board - Resignation Local Education representative.

THE BOARD ACCEPTED THE RESIGNATION OF PAUL ALDERETE FROM THE WIB AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

58. Workforce Investment Board re: 2004/2005 Subgrant Agreement R588733, Modification 3 with State Employment Development Department.
59. Merced County Mosquito Abatement District re: Notice that Ted Fronczak will retire from the Board of Trustees when term expires in December 31, 2004, Appointee as Northern Rural representative. (On file with Clerk)
60. City of Merced re: Resolution of the City Council of the City of Merced accepting the County of Merced's Interest in Flanagan Park.
61. County of Kern re: Letter of support of the Go 21 principles and strategies.
62. CSAC re: Notification of CSAC Board of Director Member for 2005 Year.
63. CSAC re: Annual Report - 2004. (On file with Clerk)

64. U.S. Fish and Wildlife Service re: Draft Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon.
65. Office of the Governor-Emergency Services re: Notice of declaration of primary counties of El Dorado, Fresno, and San Luis Obispo and the contiguous counties of Alpine, Amador, Inyo, Kern, Kings, Madera, Merced, Mono, Monterey, Placer, Sacramento, San Benito, Santa Barbara and Tulare as a disaster area due to October 12, 2004 USDA disaster designation due to ag. losses caused by drought that occurred on various dates between July 1, 2003 and June 30, 2004.
66. State Water Resources Control Board re: Applications 1651 and 2778 - Order approving petition for temporary transfer of water from South Feather Water and Power Agency to the environmental water account.
67. California Regional Water Quality Control Board re: Notice of California Environmental Quality Act (CEQA) Scoping meeting for the Development of a Basin Plan Amendment to Control the discharge of Diazinon and Chlorpyrifos and establish a total maximum daily load for Diazinon and Chlorpyrifos in the Sacramento and San Joaquin Delta (Delta).
68. California Regional Water Control Board-Central Valley Region re: Notice of Public Workshop concerning Triennial Review for the Sacramento and San Joaquin River Basins.
69. Family Resource Council re: Children's Action Plan News, November 2004.

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF STEVE MARTIN, VELMA SUTTERFIELD AND LUIS ROMO UNTIL DECEMER 14, 2004 AT 3:00 P.M.

5:30 P.M. SCHEDULED ITEM
2004-12-07 BOARD OF SUPERVISORS - PRESENTATION

Merced County Association of Governments (MCAG) Executive Director Jesse Brown provides an overview (power point presentation) of the Regional Transportation Plan and Impact Fees.

The Chairman states fees are of concern to the small business community and asks if the fees can be amortized over time.

Mr. Brown states fees can be for over a period of time if agreeable to the local jurisdiction.

Supervisor O'Banion states there is anticipation that the Board of Supervisors and City Councils will be making a decision and he asks that the agenda committee schedule this matter. Cities are waiting for the Board to schedule this since the County is a major participant.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board directs staff to place the matter on an upcoming Board agenda.

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

5:30 P.M. SCHEDULED ITEM
2004-12-07 PUBLIC OPPORTUNITY

Nick Osborne, Secretary for the Patient Medical Group, speaks in favor of the legalization of medical marijuana and reads a statement into the record. Charles Igo also speaks in support of the Patient's Medical Group concept.

Merced Boy Scout Troop 88 Member Kyle Snauka states he is constructing a fenced landscaped area at the Merced County Animal Shelter as an Eagle Scout Project. He thanks the Board for allocating funds for the project and upon completion of the project, invites the Board Members to attend a ceremony recognizing the completion.

Jaxon Enterprises representative Bob Tallen requests the Board schedule the Jaxon Mine Appeal on December 21, 2004.

Larry Gonzalez, member of the Planada Community Development Corporation and Planada Municipal Advisory Council, speaks in favor of a golf course in Planada.

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

5:30 P.M. SCHEDULED ITEM

2004-12-07 UC DEVELOPMENT OFFICE - PUBLIC HEARING

The time and date previously set for a public hearing to consider a proposed amendment to the Merced County General Plan and associated Environmental Impact Report. Said amendment is the University Community Plan which lays out the regulatory and policy framework for the development of a new community on 2,100 acres located immediately south of the UC Merced Campus. At full build out, the University Community is envisioned to have a population of 31,250 people, a total of 11,600 dwelling units and 2,023,000 square feet of commercial office, and business park development. The University Community Plan also sets forth Area Plan policies to address issues outside of the planning boundaries. The proposed University is located adjacent to the south of the proposed UC Merced Campus, east of Lake Road and north of Yosemite Avenue. The site is generally flat and contains various agricultural land uses, including cattle grazing and row crops. In addition to the University Community Plan, this General Plan Amendment includes an amendment of the University Community Specific Urban Development Plan (SUDP) Boundary, the re-designation of rural lands to "UC Merced" and "Multiple Use Urban Development" and various technical changes throughout the County General Plan reflecting the addition of the University Community Plan.

UC Development Planning Director Bob Smith provides background information on the project and the process to date.

EIP Associates Consultant Woodie Tescher provides an overview of the University Community Plan.

EIP Associates Consultant Brian Boxer provides an overview of the Environmental Review of the Project.

Mr. Smith advises that in response to testimony received during the Planning Commission Meetings on this matter, staff modified mitigation language relative to ag. resources and school policies and he reads the language into the record.

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

Bryant Owens submits written comments in opposition.

Chairman of the Merced Union High School District Facilities Committee Mark Seivert states meetings were held the last couple of months regarding K through 12 and High School facilities and he strongly recommends the Board go forward with the modified school policy language as read into the record. Mr. Seivert also requests the Board assist the schools in any way it can to do away with SB 50 an alternative to funding schools.

Bob Carpenter speaks in support of the project.

Jana Narin, Merced Chapter California Women for Agriculture, reads a letter from the California Women for Agriculture asking the Board to take no further action on the project until further review by all parties.

Dr. Lee Boese speaks in support.

Nat Woodhouse speaks in support and distributes a map depicting soils in the project's region.

UC Merced Vice Chancellor Lindsay Desrochers speaks in support of the project and advises the campus is well under construction and their admissions process has been a success. She speaks to the importance of integration between the community and the campus and states a high-quality community is important with a full range of housing for all incomes. Vice Chancellor Desrochers also states the University wants the best quality schools that can be developed with the local school districts. The community is also intended to provide retail services among other services. She also mentions the Virginia Smith Trust and how that trust provided many scholarships over the past years and because of revenue from the proposed community, scholarships will be enhanced in future years.

City of Merced Mayor Hub Walsh, representing the City Council and City of Merced, states the University Community should be part of the City and there are concerns with governance and service delivery. The University Community Plan does allow for these concerns to be properly addressed and the City is optimistic discussions between the County and City will result in the good for the entire community.

Professor Kenji Hakuta, Founding Dean of the School of Social Sciences, Humanities and Arts at the University of California-Merced, speaks in support of the project and states the importance of having a community adjacent to the campus.

President of Community Systems Associates in Orange County Marshall Krupp, representing the Merced Union High School District, Merced City School District, Weaver School District, Los Banos Union School District and Atwater Elementary School District, states the purpose for his appearance is to establish the record to protect administrative and legal limits remedies of the districts should the Community Plan go forward in a way that is contrary to the best interests of the school district, community and students. However, the modified language that was read into the record addresses most, if not all, of the districts' concerns. He requests the Board keep the public hearing open until December 21, 2004, to allow him the opportunity to speak at that time since he will not be available on December 14, 2004. At this time, he is prepared to support the University Community Plan subject to the Board's support of the proposed language amendments.

Chairman of the Board of Directors of the University Community Land Company Ed Hardy strongly supports adoption and completion of the General Plan Amendment and the University Community Plan and speaks to the importance and advantages of a contiguous Community/University. He further states the Virginia Smith Trust scholarship funding meets the needs of many but still needs to be strengthened.

Don Bergman, representing the Greater Merced Chamber, speaks in favor of the project, noting the economic vitality for the Community.

Merced City Councilman Bill Spriggs addresses the City's comments to the east/west alignment on Bellevue and states these comments were based upon the General Plan. The General Plan was conceived several years ago and the boundaries of the SUDP were drawn to include the University and the University Community and the only change is the University and University Community moved down the hill and the University Community is no longer in the

City's SUDP and now the General Plan needs to be redone and discussion needs to take place to realign those boundaries.

Dan Doody, Merced County Board of Education Member and Trustee of the Virginia Smith Trust, states the Virginia Smith Trust is a full partner with UC Merced in development of ULLC and University Community and the University Community Plan. The Trust's objective was to increase scholarships so that more students can afford to go to the university and urges the Board to approve the University Community Plan as recommended by the Planning Commission.

Lennar representative Don Larsen speaks in support of the project and states Lennar became involved in this project in February 2003 and their goal is to work cooperatively to plan their portion of the University Community. A developer's perspective is the one thing missing from the University Community Plan. Development of the University Community will take three to four decades to complete and the Plan did not allow flexibility over the course of time and will require frequent modifications over a period of time due to changing conditions.

Sharon Hunt Dicker, representing the Hunt family, speaks in support and looks forward to being a part of the Community.

Les McCabe, representing Merced County Farm Bureau Board of Directors, states the Bureau supports the campus but not the configuration of the community and the Bureau is in favor of the no loss of prime farmland alternative. However, he questions the cost of the project and why the water supply is not being truly addressed. In conclusion, he feels the Board is showing a disregard for agriculture and submits a document for the Board's review.

Lydia Miller, representing San Joaquin Raptor Wildlife Rescue Center and Steve Burke of Protect Our Water, advises e-mail and faxes were sent to the Board Members from the San Joaquin Raptor Rescue Center and Protect Our Water and requests confirmation of receipt of said documents. Ms. Miller states concern with some of the information in the Staff Report that went before the Planning Commission on December 1, 2004, and requests the Board read the transcript of that meeting. Ms. Miller also states concern with the lack of availability of documents/information. She submits a copy of the index of the previously submitted information, a letter from San Joaquin Raptor Wildlife Rescue Center and Protect Our Water and a letter from the Vernal Pools.Org., both dated December 7, 2004.

Merced County Superintendent of Schools Lee Anderson raises some concern regarding the phasing policy stating if development is allowed throughout the 2100 acre area and the north to south development plan is eliminated, it could lead to competition to the northern development which could delay funds for the Virginia Smith Trust Scholarships and delay services to the University students, faculty and staff. He urges the Board to choose LU Policy 2.1 through 2.10 as presented in the original 2001 University Community Plan. Mr. Anderson states he believes the changed school language addresses Countywide not just University Community needs but should be subject to additional analysis. He requests the Board consider continuing the public hearing until December 21, 2004.

Ralph Temple speaks in support and states affordable housing is necessary within the University Community and the Plan provides an opportunity to integrate affordable housing along with schools, parks, etc. He urges the Board to make certain the Trust will be protected in any long-term plan.

The Chairman closes the public hearing.

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board directs staff to make available to the public the Response to Comments prior to December 14, 2004; directs staff to prepare documentation to support certification of the Environmental Impact Report and approval of the General Plan Amendment with the revised language for the Schools Policy and Ag. Mitigation placing the matter on the December 21, 2004, Board Agenda as an Action Item and continues the public hearing to December 14, 2004, with the understanding oral and/or written comments are acceptable.
Ayes: Kelsey, Cortez Keene, Crookham, Nelson, O'Banion

ACTION ITEM NO. 51
2004-12-07 BOARD OF SUPERVISORS

The Clerk reads the item before the Board for consideration: Set public hearing for January 11, 2005, at 10:30 a.m. to consider the Appeal to Conditional Use Application No. 99009, Jaxon Mine Expansion.

Supervisor Cortez Keene states the Jaxon Mine representatives were under the impression the Appeal would be set on December 21, 2004, not January 11, 2005. Supervisor Cortez Keene advises she has consulted with County Counsel and would like the public hearing set for the Appeal to December 21, 2004.

Deputy County Counsel Fernanda Saude states the matter of setting the date and time for the Appeal is solely at the discretion of the Board taking into consideration the Planning Department will have sufficient time to prepare.

Planning Director Bill Nicholson states the Planning Department can accommodate the December 21st date if that is the Board's desire.

Following discussion, Supervisor Cortez Keene moves, seconded by Supervisor O'Banion, the Board set the public hearing to consider the Appeal to Conditional Use Application No. 99009, Jaxon Mine Expansion for December 21, 2004, at 10:30 a.m.

Lydia Miller, representing and on behalf of the San Joaquin Raptor Center, Steve Burke of Protect Our Water and Le Grand Community Association filed and paid for the Appeal. The appellants were not given notice of any proposed date change and have a conflict on December 21, 2004. The appellant requests the public hearing date remain as proposed for January 11, 2005 or another date that is convenient for all parties.

The Chairman asks County Counsel about the appellant's ability to negotiate a date for hearing.

County Counsel Fernanda Saude advises the appellant must be present and that the public hearing is a negotiated date.

Discussion is held regarding the public hearing date.

A Jaxon Enterprise Mine representative states this process has been on-going since 1999 and it would be appreciated if the matter was heard by the Board on December 21, 2004 since there has been adequate time to file and prepare an Appeal.

The Chairman calls for a Vote on the Motion on the Floor.

Supervisor Crookham votes "no".

Supervisor Kelsey "abstains" from voting

Motion carries.

Ayes: Cortez Keene, Nelson, O'Banion

Noes: Crookham

Abstain: Kelsey