



MERCED COUNTY BOARD OF SUPERVISORS

SUMMARY ACTION MINUTES

Regular Meeting

TUESDAY, MAY 23, 2000

Regular Meeting – 10:00 a.m.

Closed Session – 12:00 noon

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
JOE RIVERO.....DISTRICT 3
DEIDRE F. KELSEY....DISTRICT 4
CHAIRMAN JERRY O'BANION.....DISTRICT 5
Lydia A. Beiswanger, Chief Clerk

GREGORY B. WELLMAN
COUNTY ADMINISTRATIVE OFFICER

DENNIS MYERS
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

10:00 A. M. **PLEDGE OF ALLEGIANCE**

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)

10:00 A. M.

UC MERCED PROJECT

- Liaison and Project Director Report

RECEIVED REPORTS FROM LIAISON REPRESENTATIVE KATHLEEN CROOKHAM AND PROJECT DIRECTOR GREG WELLMAN

- Actions/Direction
- Public Comment

APPROVAL OF CONSENT AGENDA CALENDAR (Items # 1 – 15)

APPROVED AS RECOMMENDED AYES: ALL

PERSONNEL ISSUES:

1. **Trial Court** - Establish the Superior Court Information Technology Manager classification, Range 71.6, adopt class specification and add to Trial Court, Budget Unit 76500

APPROVED AND ADOPTED RESOLUTION NO. 2000-93 AYES: ALL

2. **Trial Court** - Delete one Court Processing Clerk I/II, Range 49.9/51.9 and add one Supervising Court Clerk, Range 58.4 to Trial Court, BU 76500

APPROVED AND ADOPTED RESOLUTION NO. 2000-94 AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

***ADDED AGENDA ITEMS REVIEW BOARD ORDER – SEE PAGE 8
THE BOARD FINDS THE NEED, SUBSEQUENT TO THE POSTING OF THE AGENDA, TO TAKE ACTION ON YOSEMITE NATIONAL PARK AND CASTLE AIRPORT AND PLACES THE ITEMS ON THE AGENDA FOR CONSIDERATION AYES: ALL**

REVIEW BOARD ORDER – SEE PAGE 9

1. **THE BOARD AUTHORIZES A LETTER TO SUPERINTENDENT OF YOSEMITE VALLEY NATIONAL PARK DAVID MIHALEC, AFTER MARIPOSA COUNTY STATES NO OBJECTION, ON THE DRAFT COMPREHENSIVE MANAGEMENT PLAN AND ENVIRONMENTAL IMPACT STATEMENT FOR YOSEMITE NATIONAL PARK**

AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 9, 10

2. **THE BOARD DIRECTS COUNSEL MYERS TO FURTHER REVIEW DEPARTMENT OF DEFENSE LETTER RELATIVE TO LOCAL REDEVELOPMENT AUTHORITY DESIGNATION AND REQUESTS MATTER COME BACK TO THE BOARD WITH ADDITIONAL INFORMATION** AYES: 1, 2, 3, 4 NOES: 5

10:30 A. M.

MENTAL HEALTH – PUBLIC HEARING – PROPOSED ORDINANCE

REVIEW BOARD ORDER – SEE PAGE 8

An Ordinance changing fees for Mental Health Alcohol and Drug Services performed by the Merced County Mental Health Department (Amends Chapter 9.48 of County Code and Ordinance No. 1557)

APPROVED AND ADOPTED ORDINANCE NO. 1639 AYES: ALL

10:30 A. M.

PRESENTATION - SAN JOAQUIN VALLEY WATER COALITION

Request for Action:

1. Authorize County Participation and payment of dues for the first year of \$10,000
2. Begin process to select representatives on Coalition Council consisting of ten representatives as follows: county, city, agriculture, environmental, recreational/fishing/sportsmen, business, building industry/development, water district, academic and citizen at large

REVIEW BOARD ORDER – SEE PAGE 8

AUTHORIZED STAFF TO INCLUDE PROPOSED COALITION COUNCIL CONSIDERATION POLICY ESTABLISHMENT DURING PROPOSED BUDGET FOR PARTICIPATION IN THE AMOUNT OF \$10,000

AYES: ALL

REPORTS/BOARD DIRECTION

County Administrator
County Counsel
Board of Supervisors Members

12:00 NOON

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 SESSSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:

It is the intention of the Board to meet in Closed Session concerning a Conference with Legal Counsel pursuant to Government Code Section 54956.9, Subdivision (c) as follows:
Ventura County Retirement Cases, San Francisco County Judicial Coordination Proceedings No. 4849

RECONVENED AT 1:45 P.M. AND RECESSED TO MEET IN CLOSED SESSION WITH ALL MEMBERS PRESENT AT 2:25 P.M. RECONVENED AT 3:05 P.M. AND THE CHAIRMAN ADVISES DIRECTION HAS BEEN GIVEN TO COUNSEL

1:30 P. M.

PRESENTATION - MAYORS COUNCIL

REVIEW BOARD ORDER – SEE PAGE 10

RECEIVED REVIEW OF PROPOSAL FOR DISBURSEMENT OF TOBACCO TAX SETTLEMENT FUNDS FROM CITY OF MERCED MAYOR KNUDSEN, CITY OF GUSTINE MAYOR SOUZA, AND CITY OF LOS BANOS MAYOR AMABILE

CONSENT CALENDAR (Items #1 - 15)

APPROVED AS RECOMMENDED **AYES: ALL**

1. Approve Budget Transfers for Agricultural Commissioner-\$1,400 and Health-\$92,000 as recommended by Administration.
2. Authorize Overhire of Staff Services Manager – Automation Support, Human Services Agency.
3. Approve Merced Chamber of Commerce request to use area around Old Courthouse on May 31, 2000 for Merced Boosters Club Fund Raiser and authorize the sale of alcoholic beverages and food subject to conditions, Public Works.
4. Set public hearing for June 27, 2000 at 10:30 a.m. to consider An Ordinance for the purpose of Establishing Public Facilities Fees and proposed Resolution entitled Public Facilities Fees for Unincorporated Areas located within the City of Merced SUDP, Public Works.
5. Certify Election Results for Special Election held in the Snelling Merced Falls School District held on May 9, 2000, Clerk-Elections.
6. Approve and authorize Chairman to sign Renewal Contract No. 9253 with District Attorney for CalWORKS Fraud Prosecution, Human Services Agency.
7. Approve and authorize Chairman to sign Renewal Contract No. 9284 with District Attorney for Food Stamp Fraud Prosecution, Human Services Agency.
8. Approve and authorize Chairman to sign Renewal Contract No. 5147 with San Joaquin County Mental Health for provision of residential treatment for severely emotionally disturbed minors, Mental Health.
9. Approve and authorize Chairman to sign Renewal Contract No. 10262 with Calif. Dept. of Aging for Multipurpose Senior Services Program, Human Services Agency.

ADOPTED RESOLUTION NO. 2000-92

10. Authorize Certificates of Recognition to Los Banos Soroptimist International, Woman of Distinction – Volunteer Efforts Awards as follows: Jill Posey-The Illinois Project, Madeline Pereira-Marking a Difference for Women, Tina Lopez-Women’s Opportunity, Camile Cortez-Women Helping Women and Sharon Borba-2000 Soroptimist of the Year, Board of Supervisors.
11. Authorize Certificates of Recognition to the Outstanding Seniors for the Year 2000 as recognized by the Merced County Area Agency on Aging Council, Board of Supervisors.
12. Authorize Certificates of Recognition in recognition of the Annual Community Awards for Veterans of Foreign Wars Post and Auxiliary #8327 for 1999 Outstanding Officers as follows: Don Powell-Livingston Police Officer, Maria Madrid-Livingston Police Dispatcher, John Vance-Livingston Firefighter, Keith McClain-Sheriff Deputy, Pam Sofranek, Correctional Officer, James Carver-Delhi Firefighter, Jerry Michalec-Veteran Member, Roberta Shaver-Ladies Auxiliary Member, Frank Guerrero-Veteran, Livingston Self Storage-Business Award, Glenn Engineering-Business Award (Delhi), Alvernaz Family-Rural Family

Award, Palmer Family-Family Award (Delhi), Kera Cohen, Acquainetter Street and Rosemary Eismann, Teacher Award, Board of Supervisors.

13. Authorize Certificates of Recognition in recognition of the Annual Recognition Awards for the Hispanic Chamber of Commerce as follows: Cheryl Lanning-Member of the Year, Roy Mercado-Business of the Year, Rick Osorio-Male of the Year, Eva De Long-Female of the Year and Rosa Granados-Student of the Year, Board of Supervisors.
14. Authorize Certificates of Recognition in honor of the Merced County Office of Education ROP Merit Award winners, Board of Supervisors.
15. Authorize Certificates of Appreciation to Merced County Complete Count Committee Members: Merle Charles, Paul Lundberg, Jane McGinnis, Linda Schaeffer, Dick Sharke and Rhonda Walton and City Complete Count Committee Chairpersons for Census 2000: Beth Dierssen-Atwater, Kathryn Foppe-Dos Palos, Cynthia Bosco-Gustine, David Hanham-Livingston, Nate Marciochi-Los Banos and Kim Espinosa-Merced, Administration.

REGULAR CALENDAR

BOARD ACTION

16. Public Works re: Contract with SCS Engineering for Professional Services related to Landfill Air Quality Compliance and Landfill Gas Engineering Services.
AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2000125 AS RECOMMENDED WITH A PER PROJECT NOT TO EXCEED AMOUNT OF \$75,000 AND NO ANNUAL ACCUMULATIVE TOTAL PER FISCAL YEAR WITH SAID CONSULTANT AND AUTHORIZE EXECUTION OF PROJECT SUPPLEMENT ASSOCIATED WITH BASE ANNUAL RETAINER CONTRACT FOR EACH INDIVIDUAL IDENTIFIED PROJECT RELATED TO LANDFILL GAS ISSUES AYES: ALL
17. Public Works re: Combination of three approved Current Year CIP Site Projects with one approved Prior Year Site Project at Human Services Agency Facility into single CIP Project with total estimated budget of \$155,816 - projects are: install new sidewalk from Wardrobe Avenue to main entrance to the Facility (\$61,220), modifications to some of the Parking Lot Islands (\$11,586) and construction of Yard Care Equipment Storage Building on the site (\$14,000) and prior project to resurface the entire Parking Lot (\$69,010); authorize bid opening preparation and necessary budget transfer-\$94,596.
APPROVED AS RECOMMENDED AYES: ALL
18. District Attorney/General Services re: Extension of Contract Nos. 9044 (780 Loughborough Drive-Merced) and 9621 (750 Loughborough Drive-Merced) with Moonlight Investment for buildings occupied by Family Support Division.
APPROVED AS RECOMMENDED AYES: ALL
19. Human Services Agency re: Contract with Private Industry Training Department for Summer Youth Opportunity Program.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000126 AYES: ALL

- 19a. General Services re: Contract with Larry/Saranne Morse for office space for District Attorney's Welfare Fraud Unit.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000127 AYES: ALL
20. Private Industry Training Department re: Local Workforce Investment Board Certification.
APPROVED AS RECOMMENDED AYES: ALL
- 20a. Public Works re: Award of Contract for Placement of Chip Seals on Various Roads in Merced County to Windsor Fuel Company.
AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2000123 AYES: ALL
21. Board of Supervisors re: Committee/Commissions and Boards.
 Emergency Medical Care Committee
REAPPOINTED THE FOLLOWING TO SERVE AS MEMBER OF THE EMERGENCY MEDICAL CARE COMMITTEE UNTIL 6/30/2004: DEWAYNE JONES REPRESENTING DISTRICT 5; JERRY MOORE REPRESENTING LAW ENFORCEMENT; GEORGE NEVATT REPRESENTING BASE HOSPITAL EMERGENCY DEPARTMENT; KRAIG RIGGS AND CINDY WOOLSTON REPRESENTING AMBULANCE COMPANIES AYES: ALL

BOARD INFORMATION AND POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

22. Supervisor Kelsey re: Turlock Municipal Airport.
23. City of Livingston re: Resolution in support of Mayors Council of Merced County proposal to seek a share of the tobacco settlement funds from the County of Merced.
24. City of Los Banos re: Resolution in support of the Mayors Council of Merced County proposal to seek a share of the tobacco settlement funds from the County of Merced.
25. Merced Irrigation District re: Submission of proposal for a proposed study to be performed in Merced and Mariposa Counties entitled Merced River Temperature Feasibility Study.
26. State Dept. of Fish and Game re: Submission of proposal to the CALFED Program for funding of a research project which will occur within Sacramento County – evaluating the genetic structure of Chinook salmon populations within California's Central Valley.
27. U.S. Geological Survey re: Submission of proposal to the CALFED Program in response to the Ecosystem Restoration Program, 2001 Project Solicitation packet titled "Using Benthic Macroinvertebrate Communities for Assessment of Adaptive Management Actions in Streams Supporting Anadromous Salmonids".

28. Amador County Board of Supervisors re: Letter urging opposition to AB 1956 (Keeley).
29. Dia De Portugal, De Camoes E Das Comunidades Portuguesas re: Invitation to participate in Day of Portugal – 2000 Celebrations to be held in Hilmar.
30. Employment Development Department re: Workforce Investment Act Planning Allocations for Program Year 2000/2001.
31. Administration re: Replacement of Workers' Compensation Program Third Party Administrator (TPA).
32. USDA re: Project Proposal to CALFED Ecosystem Restoration Program, 2001 – *Digital Soil Survey Mapping and Digital Orthophotoquad Development for the Bay-Delta Region.*
33. University of California, Davis re: Notice of intent to visit vernal pools within the boundaries of Merced County over the next three years to complete a comprehensive survey of vernal pools in California so that an objective, defensible, and accurate classification of vernal pool types can be created – field work to begin February, 2001 and continue through May, 2003.

THE MEETING IS ADJOURNED UNTIL JUNE 6, 2000 AT 9:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – MAY 23, 2000

ADDED AGENDA ITEM/LATE ITEM

2000-05-23 ADMINISTRATION/BOARD OF SUPERVISORS – Draft Management Plan and Environmental Impact Statement for Yosemite National Park and Castle Joint Powers Authority

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board finds the need arose, subsequent to the posting of the agenda, to consider the Draft Management Plan and Environmental Impact Statement for Yosemite National Park and places it on the agenda of May 23, 2000.

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

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board finds the need arose, subsequent to the posting of the agenda to consider Castle Joint Powers Authority and places it on the agenda of May 23, 2000.

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

10:30 A.M. SCHEDULED ITEM

2000-05-23 MENTAL HEALTH - Public Hearing – Mental Health Alcohol and Drug Services Fee Ordinance

The time and date previously set for a public hearing to consider An Ordinance changing fees for Mental Health Alcohol and Drug Services performed by the Merced County Mental Health Department (Amends Ordinance No. 1557 Chapter 9.48 of County Code).

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

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board adopts Ordinance No. 1639.

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

10:30 A.M. SCHEDULED ITEM

2000-05-23 BOARD OF SUPERVISORS – San Joaquin Valley Water Coalition

The Chairman states consideration of the San Joaquin Valley Water Coalition is before the Board for presentation and possible action.

Jim Duarte and Lou Smallwood of the San Joaquin Valley Water Coalition provides report relative to letter dated April 8, 2000. Mr. Duarte summarizes background information advising the goal is to develop a common vision to secure the Valley's water supply future.

Ms. Smallwood reviews the Coalition Formation; Membership Payment of dues for the first year; and, representative selection. Ms. Smallwood requests the Board support in concept and fund their membership during the budget process.

Supervisor O'Banion advises he would like to be considered as a member of the San Joaquin Valley Water Coalition.

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board authorizes Staff to establish policy consideration during the Proposed Budget for participation in the San Joaquin Valley Water Coalition in the amount of \$10,000 as well as taking into consideration the process of selecting its representatives.

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

ADDED AGENDA ITEM

2000-05-23 ADMINISTRATION – Comprehensive Management Plan and Environmental Impact Statement for Yosemite National Park

Following discussion on the Draft Comprehensive Management Plan and Environmental Impact Statement for Yosemite National Park and upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board authorizes a letter be sent to the Yosemite Valley National Park Superintendent in support of an adequate transit service infrastructure and in support of the proposed staging area on Highway 120 at Hazel Green Meadow with the stipulation that Mariposa County has no objection.

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

ADDED AGENDA ITEM

2000-05-23 ADMINISTRATION – Local Redevelopment Agency for Castle Air Force Base

County Counsel Dennis Myers states concerns have been raised by Supervisor Kelsey regarding the official date of designation by the Department of Defense of Merced County as the Local Redevelopment Agency for Castle Air Force Base. He recommends a letter be issued to the Department of Defense requesting clarification.

Following discussion Supervisor Crookham moves, seconded by Supervisor Cortez Keene, the Board direct Staff to authorize Letter to be issued to Department of Defense for clarification which would then provide alternatives to the Board.

Following further discussion Supervisor Cortez Keene moves, seconded by Supervisor Crookham, the Board amends the Motion to include: weekly reports be given to the Board through October 10, 2000.

Following discussion, the Chairman calls for a Vote on the Motion.

Supervisor O'Banion votes "No". Motion carries.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey

Noes: O'Banion

The Chairman calls for a Vote on the Amendment to the Motion.

Supervisor O'Banion, votes "No". Motion carries.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey

Noes: O'Banion

Supervisor O'Banion states he could not support the amendment or the motion as he feels it is micro-management and erosion of the agenda meeting process and he feels Staff does report back to the Board on a timely basis on issues that are pending.

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

1:30 P.M. PRESENTATION

2000-05-23 ADMINISTRATION – Mayors Council

City of Merced Mayor Knudsen, City of Gustine Mayor Souza and City of Los Banos Mayor Amabile submit and review a proposal for the disbursement of the Tobacco Tax Settlement Funds.

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

Not Present: Rivero