



**MERCED COUNTY
BOARD OF SUPERVISORS
SUMMARY ACTION MINUTES**

Regular Meeting
TUESDAY, AUGUST 22, 2000
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
JOE RIVERO.....DISTRICT 3
DEIDRE F. KELSEY....DISTRICT 4
CHAIRMAN JERRY O'BANION.....DISTRICT 5
Lydia A. Beiswanger, Chief Clerk

DEMITRIOS O. TATUM
ACTING 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

9:00 A. M. **CLOSED SESSION :** It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957, Subdivision (e):
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Director of Public Health

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
THE BOARD RECONVENES AT 10:00 A.M. AND THE CHAIRMAN ADVISES DIRECTION WAS GIVEN TO STAFF

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)

UC MERCED PROJECT

- Liaison and Project Director Report
- Actions/Direction **REVIEW BOARD ORDER – SEE PAGE 9**
 1. Administration re: **Contract for UC Planning Director-Merced County**
APPROVED IN CONCEPT THE EMPLOYMENT AGREEMENT FOR THE UC PLANNING DIRECTOR-MERCED COUNTY AND AUTHORIZE CHAIRMAN TO SIGN THE DOCUMENT SUBJECT TO FINAL REVIEW BY COUNSEL, AUDITOR, ADMINISTRATION AND ALL BOARD MEMBERS UNDERSTANDING THE AGREEMENT WILL COME BACK TO THE BOARD IF MODIFICATIONS ARE NECESSARY **AYES: ALL**
- Public Comment

APPROVAL OF CONSENT AGENDA CALENDAR (Items # 1 – 23)
APPROVED AS RECOMMENDED **AYES: ALL**
***CONSENT ITEM #10 PULLED – NO ACTION TAKEN**

APPROVAL OF COMMUNITY ACTION AGENCY CONSENT CALENDAR (Items # 24 - 25)
APPROVED AS RECOMMENDED **AYES: ALL**

CASTLE JPA

REVIEW BOARD ORDER – SEE PAGE 9

- Report
- Possible Action
 1. Counsel re: **Modification of Joint Powers Agreement**
NO ACTION TAKEN – CONTINUED TO AUGUST 29, 2000 BOARD MEETING

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:30 A. M.

WILLIAMSON ACT WORKING GROUP – PUBLIC HEARING

REVIEW BOARD ORDER – SEE PAGES 10, 11, 12

Establishment of an Agriculture Preserve as per the provisions of the California Land Conservation Act of 1965

A map of the Agriculture Preserve, along with a list of parcels arranged by APN and ownership, is available for review at Planning and Community Development Department. As the program is voluntary, at the request of the landowner, a property may be removed from the Agriculture Preserve by the Board of Supervisors

MODIFIED RECOMMENDATION, MADE THE FINDING THE AGRICULTURAL PRESERVE IS CONSISTENT WITH THE GENERAL PLAN AND ADOPTED RESOLUTION NO. 2000-151 AYES: ALL

REPORTS/BOARD DIRECTION

County Administrator
County Counsel
County Auditor
Board of Supervisors Members

LUNCH BREAK

CONSENT CALENDAR (Items #1 - 23)

APPROVED AS RECOMMENDED AYES: ALL (ITEM #10 PULLED-NO ACTION TAKEN)

Overhires

1. Authorize overhire of one Typist Clerk III in Planning and Community Development for a period not to exceed six months from date of hire.
2. Authorize extension of overhire of one Juvenile Institutions Officer and one Traffic Clerk at Probation as Limited Term Appointments for an additional six month period or upon return of employee.

Public Works

3. Approve Plans and Specifications for Construction of Winton Way at Almond Avenue Signalization project, set bid opening for September 28, 2000 at 3:00 p.m. and authorize Public Works Director to award and sign Contract within budgeted amount and return to the Board with results.
4. Approve Plans and Specifications for Construction of Bridge Replacement Project on Van Clief Road over East Side Canal, set bid opening for October 5, 2000 at 3:00 p.m. and authorize Public Works Director to award and sign Contract within budgeted amount and return to the Board with results.
5. Accept Final Map for Santa Nella Village Unit No. 2 Subdivision of Tract No. 2 located in Santa Nella SUDP area.

Claims for Damages

6. Act on Claims for Damages submitted by Judy Burden, Marlene Defatima James, Randall Peterson/Mike Peterson/Peterson Brothers, Gilbert Doyle Federico, Shirley Federico, Barbara Deibler, James Eber, Wanda Silveira, Carol Autrand and Michelle Boone.

District Attorney

7. Adopt Resolution and authorize District Attorney to sign Contract with Calif. Dept. of Justice for participation in the Spousal Abuser Prosecution Program.
ADOPTED RESOLUTION NO. 2000-148

Health

8. Adopt Resolution and authorize Chairman to sign Renewal to Contract No. 7266 with State Office of AIDS for AIDS related projects for FY 2000/2001 and adopt Resolution authorizing Director of Public Health to sign Memoranda of Understanding associated with Master Agreement.
ADOPTED RESOLUTION NO. 2000-149 (Master AIDS Agreement) AND RESOLUTION NO. 2000-150 (Memoranda of Understanding)

Ag. Commission

9. Approve and authorize Chairman to sign Renewal Contract No. 1472 with Calif. Dept. of Food and Agriculture for Egg Quality Control Program.
10. Approve and authorize Chairman to sign Amendment to Contract No. 7513 with Calif. Dept. of Food and Agriculture for Pest Detection/Prevention.
PULLED FROM THE AGENDA – NO ACTION TAKEN

Human Services Agency

11. Approve and authorize Chairman to sign Amendment to Contract No. 9356 with Merced County Office of Education for Family Preservation/Family Support Services Program.
12. Approve and authorize Chairman to sign Renewal Contract No. 10019 with Health Dept. for CalWORKs Health Assessments.
13. Approve and authorize Chairman to sign Renewal Contract No. 10028 with Mental Health for Mental Health services to CalWORKs participants.

Area Agency on Aging

14. Approve and authorize Chairman to sign Renewal Contract No. 99119 with Alz-Care, Inc. for Alzheimer's Day Care Resource Center Program.

Mental Health

15. Approve and authorize Chairman to sign Renewal Contract No. 10260 with Merced Community College District to provide clinical observation experience to Nurses enrolled in the Nursing Program.

Administration

- 16. Approve and authorize Chairman to sign Amendment to Contract No. 8946 with Lifeguard Life Insurance Company for Health Plans for: Lifeguard Exclusive Provider Organization and Preferred Provider Organization – Group Agreement and authorize Auditor to implement premium rate changes for employees on September 1, 2000.

Board Recognition

- 17. Authorize Certificates of Recognition to Mary Gonzales-Cleaning Services and Lloyd Smith-Specialty Merchandise Sales for CAA Welfare to Work Students/Entrepreneurial Class Graduation held on July 19, 2000.
- 18. Authorize Certificates of Recognition to Debbie Davis-Grocery Delivery Services, Linda Hinshaw-Purified Water Sales, Maria Mendoza-Restaurant, William Snyder III-Dairy Farm, Kenneth Woods-Janitorial & Lawn Care Service and Jiasheea Xiong-Child Day Care for CAA Welfare to Work Students/Entrepreneurial Class Graduations held on August 8, 2000.
- 19. Authorize Certificate of Appreciation to Diana Westmoreland Pedrozo for dedicated services as Executive Director to the Merced County Chamber of Commerce.
- 20. Authorize Certificate of Recognition honoring Castle-Atwater Kiwanis Club for the completion of a major interior renovation project of the Atwater Veteran’s Memorial Hall.
- 21. Authorize Certificates of Recognition to the Hilmar Century Award Winners as follows: Steve Stavrianoudakis-Citizen of the Century, Stevinson and Hilmar Volunteer Fire Department–Organizations of the Century and Hilmar Dairy Festival-Event of the Century.
- 22. Authorize presentation of plaque in honor of the Grand Opening of the Mercy Hospital and Health Services Maternity Wing set for August 24, 2000.
- 23. Authorize Resolution of Commendation to Michael Robert Buckley for his outstanding achievement of being awarded the rank of Eagle Scout.

COMMUNITY ACTION AGENCY CONSENT CALENDAR (Items # 24 – 25)

APPROVED AS RECOMMENDED AYES: ALL

- 24. Approve and authorize CAB Chair to sign Contract with Merced Partnership 19794 (Bill Manolis) for Workforce Development Department Business Office.
- 25. Accept and place CAA Information, Staff and Committee Reports on file.

REGULAR CALENDAR

BOARD ACTION

ADMINISTRATION

- 26. Authorize Extra Help Typist Clerk III to Planning and Community Development and adopt Resolution.

APPROVED AND ADOPTED RESOLUTION NO. 2000-152 AYES: ALL

27. Authorize Health Department Director as Ex-Officio Children and Families Commission member (CFC) to: present recommended insurance program proposals to CFC for approval, order initial term insurance coverages, as approved by CFC, through Risk Management and order renewal coverage for July 1, 2001/2002 annual term as recommended and approved.

APPROVED AS RECOMMENDED AYES: ALL

AG. COMMISSION

28. Contract with Mariposa County to handle and dispose of animals on their behalf.

APPROVED AS RECOMMENDED AYES: ALL

FIRE

29. Notice of selection of Fire Chief Candace Gregory as Acting Area Chief commencing on September 1, 2000 for a Limited Term Assignment, and pursuant to Government Code Section 24008 appoint Stan Craig as Acting Merced County Fire Chief pending the return of Candace Gregory to the position effective September 1, 2000 to enforce all laws and ordinances adopted by the Merced County Board of Supervisors, State Board of Forestry and State Fire Marshal.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

30. Authorize General Services to complete an Invitation to Bid process for the transportation of the deceased of Merced County to the Coroner Department and authorize signing of agreement after coordination and consultation with Counsel.

APPROVED AS RECOMMENDED AYES: ALL

- 30a. Adopt Resolution appointing the Members of the Merced County Mentally Ill Offender Crime Reduction (MIOCR) Strategy Committee and authorize Sheriff to sign State Board of Corrections Application of the Phase I Planning MIOCR Grant Monies as requested by Sheriff.

APPROVED AND ADOPTED RESOLUTION NO. 2000-153 AYES: ALL

31. Authorize the Sheriff to apply for free technological counter drug equipment as offered by the Office of National Drug Control Policy for law enforcement participating in High Intensity Drug Trafficking Areas (HIDTA) programs in the Central Valley.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

- 31a. Accept court ordered Donation of Environmental Enforcement Equipment from Owens Financial Groups, Inc. (Wenbury Tire) totaling \$5,000 and from Tartaric Manufacturing Corporation, Inc. totaling \$25,000 and authorize addition of these items to the Fixed Assets Inventory List for Environmental Health-Sub-budget Unit 40016.

APPROVED AS RECOMMENDED AYES: ALL

PRIVATE INDUSTRY TRAINING DEPARTMENT **REVIEW BOARD ORDER – SEE PAGE 9**

32. Appointments to fill existing vacancies on the Workforce Investment Board as follows – Appoint Leo Lamb, Sharon Cresswell and Don Gormly as Private Sector Representatives and Carol Roberds as a One Stop Partner Representative.

APPROVED AS RECOMMENDED **AYES: ALL**

SPECIAL DISTRICT **REVIEW BOARD ORDER – SEE PAGE 10**

33. Mason, Robbins, Gnass & Browning re: Request for Appointment of Trustees – San Luis Canal Reclamation District (Reclamation District No. 2131).

APPROVED AS REQUESTED **AYES: ALL**

BOARD APPOINTMENTS **REVIEW BOARD ORDER – SEE PAGE 10**

34. Board of Supervisors re: Committee/Commissions and Boards.
Housing Authority of the County of Merced (2)

APPROVED AS RECOMMENDED **AYES: ALL**

BOARD INFORMATION AND POSSIBLE ACTION

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

35. District Attorney-Family Support re: Family Support Division Conversion to Computer Assisted Support Enforcement System (C.A.S.E.S.)
36. Human Services Agency re: Report of Persons Receiving Public Assistance for June 2000.
37. City of Merced re: Resolution of the City Council of the City of Merced relating to Underground Utility District No. 8
38. Turlock Irrigation District re: 1999 Annual Report. (On file with Clerk)
39. State Board of Corrections re: Information Bulletin No. 2 – County Juvenile Facility Construction Grants Draft Elements of Requests for Proposals – Written and Oral Testimony – August 24, 2000. (On file with Clerk)
40. U.S. Fish and Wildlife Services re: Comment Period Extended for Draft Recovery Plan for the California Red-Legged Frog until November 8, 2000.
41. Calif. Dept. of Child Support Services re: Official communications from the Department of Child Support Services issuance of information and policies.
42. State Fish and Game Commission re: Notice of Meeting on August 24, 2000.
43. State Water Resources Control Board re: Special Notice – Water Recycling Construction Program.

44. State Dept. of Health Services re: Announcement of release of a Request for Applications for ten to twelve new local Safe Communities planning and development grants – Grant Awards will be for \$40,000 for an 18-month period (April 2001 – September 2002).
45. State Office of Criminal Justice Planning re: Public Notice of Meeting – September 7 and 8, 2000.
46. State Water Resources Control Board re: Application 17512 – Order approving Petition for Temporary Transfer of Water from the State Dept. of Water Resources to the Westlands Water District. (On file with Clerk)
47. United Domestic Workers of America re: Letter requesting a copy of completed certification form and cover letter regarding AB 1682 implementation plans.

THE BOARD ADOPTED RESOLUTIONS AND ADJOURNED THE MEETING IN MEMORY OF IRMTRAUT MESTNIK, JANE STEWART, JAYNE PARKER AND JOHN MC CARTHY UNTIL AUGUST 29, 2000 AT 9:00 A.M.

MINUTE ORDERS – SUMMARY ACTION MINUTES – AUGUST 22, 2000

10:00 A.M. SCHEDULED ITEM

2000-08-22 ADMINISTRATION – UC Merced Project

Supervisor Cortez Keene moves, seconded by Supervisor Crookham, the Board approve and authorize Contract No. 2000171 in concept for employment of the UC Planning Director – Merced County subject to final review and approval by Counsel, Auditor and Administration.

Following discussion Supervisor O'Banion moves an amendment to the motion to include: Review by each Board Member prior to entering into the Agreement.

Supervisors Cortez Keene and Crookham accept the amendment.

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

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

10:00 A.M. SCHEDULED ITEM

2000-08-22 CASTLE JPA

County Counsel Dennis Myers reviews the legality of abolishing the Joint Powers Authority (JPA).

Atwater City Councilman Ed Abercrombie states the City Council voted to give authority to the Board of Supervisors, directed Staff to address legal issues and reiterated the City of Atwater will not cause delays.

Following a lengthy discussion, Supervisor Rivero moves, seconded by Supervisor Kelsey, the Board direct Joint Powers Authority Director Murray Warden to carryout negotiations relative to the Joint Powers Authority Governance and continue the item to August 29, 2000 Board Meeting.

Following further discussion County Counsel Dennis Myers recommends Administration participate at the Real Estate Negotiations relative to leases at Castle.

Chairman O'Banion recommends Public Works Director Paul Fillebrown be recognized and included on land negotiations.

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

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

ACTION ITEM NO. 32

2000-08-22 PRIVATE INDUSTRY TRAINING DEPARTMENT – Workforce Investment Board

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board appoints Leo Lamb, Sharon Cresswell and Don Gormly as Private Sector

Representatives and appoints Carol Roberds as a One Stop Partnership Representative on the Workforce Investment Board until June 30, 2004.

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

ACTION ITEM NO. 33

2000-08-22 SAN LUIS RECLAMATION DISTRICT

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board appoints David Carlucci; David Puritt; Aldo Sanoni and Jack Threlkeld to serve four year terms until August 26, 2004 and appoints Carl Garbini; Jim Nickel and Greg Pearl to serve two year terms until August 29, 2002 as members of the San Luis Reclamation District.

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

ACTION ITEM NO. 34

2000-08-22 HOUSING AUTHORITY OF THE COUNTY OF MERCED

Upon motion of Supervisor Kelsey, seconded by Supervisor Cortez Keene, duly carried, the Board appoints Marlin Nachtigal until February 18, 2002 and reappoints Earl Wong until February 18, 2004 to serve as members of the Housing Authority of the County of Merced.

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

10:30 A.M. SCHEDULED ITEM

2000-08-22 WILLIAMSON ACT WORKING GROUP – Public Hearing

The time and date previously set for a public hearing to consider the establishment of an Agriculture Preserve within the incorporated areas of the County and complete its implementation of the Williamson Act. Planning Director Robert Smith states only land that meets the specifications of the previously adopted Merced County Williamson Act Rules & Procedures is eligible for inclusion within the Agricultural Reserve. Land must be zoned either A-1 General Agriculture or A-2 Exclusive Agricultural and not within an SUDP and at least ten acres in size. The predominant land use must be agricultural with agriculturally viable soils. As the program is voluntary, the Board may remove a property from the agricultural preserve upon request of the landowner.

Planning Director Robert Smith reviews the official countywide map of the Agricultural Preserve and responds to questions.

The Clerk reads a letter into the record dated August 21, 2000 from City of Atwater Planning/Redevelopment Director Mo Khatami in response to August 7, 2000 Notification Regarding the Establishment of an Agricultural Preserve and Implementation of the Williamson Act Contracts.

County Counsel Dennis Myers reviews and cites Section 15.13 of the California Environmental Quality Act. Discussion is had on the General Plan of the cities, annexation agreements and growth.

The Board recesses at 11:15 a.m. and reconvenes at 11:25 a.m. with all members present.

Supervisor Kelsey reviews the background history of the Williamson Act beginning in 1997. She states the Board initiated a working group, representatives of all incorporated cities met and the Williamson Act cannot be adopted unless there is an established agricultural preserve.

Planning Director Robert Smith reviews additional options of action the Board could take if concerned with recommendations submitted.

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

Joe Horta, Atwater resident, states he was informed the City of Atwater would be asking the Board to consider his property to be exempt from the Williamson Act and requests his land be preserved.

Following discussion Supervisor Kelsey clarifies once an individual's property is in the Preserve, the landowner will have the opportunity to choose whether or not to exercise inclusion in the Williamson Act and discussion is had on parcels located within the urban limits, city limit boundaries and urban limit developments.

Atwater resident and JR Wood Representative Dennis Anderson states he feels the right should be left with the Landowner.

City of Atwater Planning/Redevelopment Director Mo Khatami refers to a letter from Planning Director Smith and states he is hearing contradictory information.

Chairman O'Banion clarifies Mr. Khatami's concerns and the Revenue Tax Sharing Agreement.

Nancy Slater, Merced County Farm Bureau representative, and Diana Westmoreland, Merced resident, speak in support of the Williamson Act.

Following a lengthy discussion on criteria, Supervisor Kelsey moves, seconded by Supervisor Crookham, the Board approve the recommendations by Planning Director Smith as follows:

Direct Staff to take existing adopted Urban Limit Boundaries and move them notifying the Landowners of possible growth potential and development and then notify the Landowners who are within the boundaries and still qualify for the Williamson Act.

The Chairman states for clarification all property owners who are located within the limit lines will be contacted and have the opportunity to apply for the Williamson Act.

County Assessor Dave Cardella states he would hope the Board would not divert action based on the City of Atwater letter or it could preclude a property owner that is not contiguous to the established preserve or is less than 100 acres.

The Board recesses at 12:10 p.m. and reconvenes at 1:30 p.m. with all members present.

The Chairman states for the record, the Motion on the Floor is the Preserve as presented by Planning Staff, and in addition, that notice be given to those property owners within the urban limit lines of incorporated cities as to the action, making sure that it is understood the property owners have the ability or right to desire development rights or preserve that land in agriculture.

Following discussion on the SUDP's of the cities being added to the agriculture preserve and the recommendation before the Board, the Chair continues the matter until later in the day to allow further discussion with the Planning Director.

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Later in the day and following discussion, Supervisor Kelsey and Supervisor Crookham withdraw the Motion on the Floor.

Planning Director Robert Smith recommends adding additional language to the Resolution addressing the concerns of City of Atwater Planning/Redevelopment Director Mo Khatami and states the Atwater General Plan update will not be compromised and the Williamson Act Agricultural Preserve is consistent with the Merced County General Plan.

Following further discussion, Supervisor Kelsey moves, seconded by Supervisor Crookham, the Board approve the additional recommendation of the Planning Director and takes the following action:

Adds language to the Resolution clarifying the establishment of an Agriculture Preserve does not preclude any city from implementing its General Plan and the Williamson Act Agricultural Preserve is consistent with the Merced County General Plan;

Amend the Agriculture Preserve criteria to include all lands that are zoned A-1 (General Agriculture) and A-2 (Exclusive Agricultural) at least 10 acres in size for only agriculture land uses and agriculture viable soils and removes the requirement that they not be included in SUDP;

Amend the Resolution to clearly state that Findings have been made consistent with the General Plan; and,

Adopt Resolution No. 2000-151.

Further discussion is had relative to Government Code Section 51234 with the City of Atwater Planner Mo Khatami.

Following discussion, the Chairman calls for a Vote on the Motion. Motion carries.
Ayes: O'Banion, Cortez Keene, Crookham, Rivero, Kelsey