



MERCED COUNTY BOARD OF SUPERVISORS

SUMMARY ACTION MINUTES

Regular Meeting

TUESDAY, OCTOBER 17, 2000

Closed Session – 8:00 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

8:00 A. 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: Four Cases

CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING 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: Name of Case: Joan Grissom v. Merced County

8:00 A. M.

CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATOR: It is the intention of the Board to meet in Closed Session pursuant to Section 54957.8 concerning a conference with County of Merced negotiators- Bev Morse-Assistant County Administrator concerning negotiations from 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 (MCSEA), Unit 7; Merced County Sheriff Employee Association (MCSEA), Unit 2 and Merced County Law Enforcement Sergeants, Unit P

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) Paul Fillebrown-Public Works Director pursuant to Section 54956.8 as follows:

Property/Reference: Proposed lease site at CAADC

Negotiating Parties: Jackson Properties, Inc.

THE CHAIRMAN ADVISED CLOSED SESSION WAS HELD WITH DIRECTION GIVEN TO STAFF WITH THE EXCEPTION OF REAL PROPERTY NEGOTIATIONS WHICH WERE REMOVED FROM THE AGENDA

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)

The following speak: Keith Uriarte, AFSCME Representative

UC MERCED PROJECT - Liaison Report

RECEIVED REPORT FROM LIAISON REPRESENTATIVE KATHLEEN CROOKHAM

APPROVAL OF CONSENT AGENDA CALENDAR (Items # 1 – 20)

APPROVED AS RECOMMENDED WITH ITEMS #8 AND #11a PULLED FROM CONSENT AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:30 A. M.

PLANNING – PUBLIC HEARING – PROPOSED ORDINANCE, POSSIBLE ADOPTION

Zone Change No. 00002 (Holy Rosary Church, applicant)

To change the zoning of a ten acre parcel from A-1 (General Agriculture) to R-1 (Single Family Residential) on property located southwest of the intersection of American Avenue and Cypress Street in the Hilmar area

10:30 A. M.

REVIEW BOARD ORDER- SEE PAGE 11

APPROVED AS RECOMMENDED AND ADOPTED ORDINANCE NO. 1648

AYES: 1, 3, 4, 5 NOT PRESENT: 2

PLANNING – PUBLIC HEARING – PROPOSED ORDINANCE, POSSIBLE ADOPTION

Zone Change No. 99007 and Minor Subdivision Application No. 00004 (Henry TeVelde, applicant)

To rezone a 470 acre area from A-2 (Exclusive Agriculture) to A-1-40 (General Agriculture) and subdivide two parcels totaling 267 acres into two new parcels of 214.5 acres and 52.5 acres on property located east of Lee and Bradbury Roads, west of Oakdale Road and north of the Merced River in the Winton area

REVIEW BOARD ORDER – SEE PAGE 11 AND 12

APPROVED AS RECOMMENDED AND ADOPTED ORDINANCE NO. 1649

AYES: ALL

PUBLIC WORKS – HEARING

Appeal of Improvement Requirements Ordinance for Building Permit issued for 2215 E. Childs Avenue, Merced (Dale E. Ferriera, property owner)

REVIEW BOARD ORDER – SEE PAGE 12

TOOK ACTION TO DENY APPEAL AND DIRECT STAFF TO WORK WITH MR. FERRIERA, PROPERTY OWNER ON RESOLVING THE ISSUE

AYES: ALL

REPORTS/BOARD DIRECTION

- County Administrator
- County Counsel
- County Auditor
- Board of Supervisors Members

LUNCH BREAK

CONSENT CALENDAR (Items #1 – 20)

APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS #8 AND #11 PULLED FROM CONSENT AGENDA AYES: ALL

Public Works

1. Approve Budget Transfers for Transit-\$4,961 and CIP-\$5,000 as recommended by Administration.
2. Adopt Resolution annexing the Isabel M. Nunes Minor Subdivision No. 99020 into the Moran Avenue Street Lighting and Drainage Maintenance Zone of Benefit No. 235 in County Service Area Number One.
ADOPTED RESOLUTION NO. 2000-196
3. Adopt Resolution annexing the Gibbs Ranch Subdivision Phase Two into the Taylor Estates Lighting and Drainage Maintenance Zone of Benefit No. 249 in County Service Area Number One.

ADOPTED RESOLUTION NO. 2000-197

4. Accept Final Map for Gibbs Ranch Phase 2 Subdivision in the Atwater area.
5. Adopt Resolution and authorize Chairman to sign Right of Way Contract accepting Grant Deed from Richard, Kathleen and Irva Keith for the property required for the Delhi Drainage Project.

ADOPTED RESOLUTION NO. 2000-198 AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000210

Health

6. Approve and authorize Chairman to sign Renewal Contract No. 8611 with Loving AIDS Management Program for services in connection with HIV Education and Prevention Programs.
7. Approve and authorize Chairman to sign Renewal Contract No. 6878 with Cutting Favour, M.D. to serve as Tuberculosis Control Officer.
8. Set public hearing for October 31, 2000 at 10:30 a.m. for Beilenson Hearing to consider proposed assignment of the Hospital Lease and Health Care Operating Agreement from Sutter Health to Mercy Hospital and Health Services-Catholic Health Care West for the management and operation of the former MCMC.

REVIEW BOARD ORDER – SEE PAGE 10

PULLED FROM CONSENT FOR DISCUSSION.

APPROVED AS RECOMMENDED UNDERSTANDING THE PUBLIC HEARING MAY NEED TO BE CONTINUED FOR FURTHER DISCUSSION **AYES: 1, 2, 4, 5**

NOES: 3

Human Services Agency

9. Approve and authorize Chairman to sign Renewal Contract No. 7172 with Merced Union High School/Merced Adult School for excess costs for services to CalWORKs participants.
10. Approve and authorize Chairman to sign Amendment to Contract No. 99007 with Health Department for provision of one Full Time Public Health Nurse for the Multipurpose Senior Services Program.

Business-Economic Opportunities

11. Set public hearing for October 31, 2000 at 10:30 a.m. to consider Community Development Block Grant funding availability.
- 11a. Set public hearing for October 31, 2000 at 10:30 a.m. to consider Application by New Bethany for financing of its skilled nursing facilities located in Los Banos through tax-exempt obligations not to exceed \$6,000,000. **REVIEW BOARD ORDER – SEE PAGE 10**
PULLED FROM CONSENT FOR DISCUSSION

APPROVED AS RECOMMENDED UNDERSTANDING REVIEW AND SIGNOFF WILL OCCUR BY THE AUDITOR AND THE PUBLIC FACILITIES FINANCING REVIEW COMMITTEE AYES: ALL

Sheriff

12. Approve and authorize Chairman to sign Renewal Contract No. 9517 with Hilmar Cheese Properties for North Area Station office space.

Employee Development

13. Allocate one Bilingual Pay Differential designation to Employee Development.
ADOPTED RESOLUTION NO. 2000-199

Board Recognition

14. Authorize Certificate of Recognition to the Housing Authority of the County of Merced for the newly constructed Administration and Maintenance Offices constructed with the assistance of the award winning Non-profit Resident Training Program Firm Build.
15. Authorize Certificate of Appreciation to William Phillip Yeager for his years of service to the California Highway Patrol.
16. Authorize Certificate of Appreciation to Kenneth Alan Stokes for his years of service to the California Highway Patrol.
17. Proclaim Domestic Violence Awareness Month in Merced and Los Banos for the month of October 2000.
18. Authorize Certificate of Recognition to the Cressey Fire Station for 50 years of dedicated service to the County.
19. Authorize Certificates of Appreciation to Ida Lee Hanson, Lew Braxton, Loretta Spence, Pearl Madkins and Sylvia Fuller upon their selection as NAACP Image Award Winners for their dedicated and numerous contributions to the County of Merced.
20. Adjourn Meeting in Memory of Supervisor Robert J. Cabral.

REGULAR CALENDAR

BOARD ACTION

ADMINISTRATION

21. Authorization to securitize Tobacco Settlement Revenues.

REVIEW BOARD ORDER – SEE PAGE 13, 14

APPROVED RECOMMENDATIONS AND ADOPTED RESOLUTION NO. 2000-200, AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 10208 WITH LEIFER CAPITAL -F FINANCIAL ADVISOR FOR ISSUANCE OF TOBACCO SETTLEMENT, CONTRACT NO. 2000213 WITH WEFA, INC. FOR CIGARETTE CONSUMPTION/POPULATION FORECAST STUDY AND CONTRACT NO. 2000237 FORMING THE CALIF. CO. TOBACCO SECURITIZATION AGENCY (JPA) WITH COUNTIES OF STANISLAUS, SONOMA AND KERN AYES: ALL

FIRE-OFFICE OF EMERGENCY SERVICES

22. Authorization to fill the OES-Deputy Director – Administration on an interim basis and adopt Resolution to designate Tom Wells as the OES-Acting Deputy Director – Administration of the Merced County Office of Emergency Services.

APPROVED AND ADOPTED RESOLUTION NO. 2000-201 AYES: ALL

23. Request for direction to change the design of the existing County Fire Department patch.

REVIEW BOARD ORDER – SEE PAGE 14

THE BOARD SELECTS PATCH #4 AS RECOMMENDED BY THE MERCED COUNTY FIRE CHIEFS' ASSOCIATION AND CHANGES THE DESIGN OF THE MERCED COUNTY FIRE DEPARTMENT PATCH AYES: ALL

PUBLIC WORKS

24. Authorize expenditure of up to \$640 from Budget Unit 17104 for reimbursement to Winton Municipal Advisory Council for the purchase of street banners.

APPROVED AS RECOMMENDED AYES: ALL

PRIVATE INDUSTRY TRAINING DEPARTMENT

25. Select Arbor, Inc. proposal to provide services to Youth (Age 19 – 21) and authorize negotiation of contract with cost not to exceed \$785,692 for FY 2000/2001 to return to the Board for approval.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

26. Contract with University of California-San Francisco for Pediatric AIDS Medical Services in conjunction with the Ryan White Care Act Project.

APPROVED RECOMMENDATION AND AUTHORIZE CHAIRMAN TO SIGN CONTRACT NO. 2000215 AYES: ALL

MENTAL HEALTH

27. Contract with Calif. Assoc. of Addiction Recovery Resources to provide a Certified Addiction Specialist Training Program.

APPROVED RECOMMENDATION AND AUTHORIZE CHAIRMAN TO SIGN CONTRACT NO. 2000216 AYES: ALL

HUMAN SERVICES AGENCY

28. Approve Release of Request for Proposal for CalWORKs Innovative Grant Program and authorize General Services and Human Services Agency to prepare a Request for Proposal, solicit and select potential vendors and negotiate agreements to be returned to the Board for approval.

APPROVED AS RECOMMENDED AYES: ALL

AGRICULTURAL COMMISSION

29. Designate the County Agricultural Commissioner as Merced County's Lead Local Public Agency regarding Pierce's Disease and Glassy-winged Sharpshooter pursuant to California Food and Agriculture Code Section 6046(f) by Board Minute Order.

APPROVED AS RECOMMENDED AYES: ALL

ADMINISTRATION

30. Approve Grand Jury Letter of Response to the 1999/2000 Report to Presiding Judge of the Superior Court and authorize Chairman to sign Letter.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

31. Consideration of 2nd Vice President for CSAC for 2001.

APPROVED AS RECOMMENDED AYES: ALL

32. PULLED

BOARD APPOINTMENTS

33. Board of Supervisors re: Committee/Commissions and Boards.

BOARD INFORMATION AND POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

34. Public Works re: Notice of Award - Reroofing of the Merced County Warehouse Building, Los Banos Veterans Building, Le Grand Community Building and Roof Repairs to the Merced Veterans Building.

AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2000181

35. Private Industry Training Department re: PITD September 2000 Issue - Report.

36. Common Threads re: Seeking to honor women in agriculture and the positive differences they have made in our communities of Fresno, Madera, Merced, Kings and Tulare Counties sponsored by the Agricultural Education Foundation, in conjunction with Calif. State University-Fresno.
37. Joseph Gallo Farms re: Letter from Merced-area Founding Board of Trustees for UC Merced against demolition of the Old Library and of the two alternatives Merced County is considering in connection with the much-needed new court facilities, "mothballing" or restoring and reusing the Old Library and request to vote for restoring and reusing this historical treasure.
38. The Task Force on Court Facilities re: Request for Comments on Report of Inventory and Evaluation. (On file with Clerk)
39. State Dept. of Social Services re: Notice that FY 2000/01 State Budget contains an appropriation of \$1 million for distribution to improve the ability of food banks to provide services to the hungry in California and Merced County's designated Emergency Food Assistance Program (EFAP) is Golden Harvest Program operated through Community Action Agency.
40. State Board of Corrections re: Schiff-Cardenas Crime Prevention Act of 2000 – draft copies of documents provided for a successful application and reminder of regional meetings. (On file with Clerk)
41. State Dept. of Fish and Game re: Notice of Informational Meetings for the purpose of receiving public input on proposed management measures affecting California *groundfish and nearshore* fisheries commencing January 1, 2001.
42. U.S. Dept. of Justice re: Please join in a live national satellite broadcast presented by the Hamilton Fish Institute "Making Schools and their Communities Safer for Learning" Comprehensive Framework for School Violence Prevention.
43. State Dept. of Fish and Game re: Notice of proposed regulatory action relative to Title 14 – Fish and Game Commission. (On file with Clerk)
44. U.S. Fish & Wildlife Service re: News Release – Diablo Range National Wildlife Refuge to be established in Western San Joaquin Valley.
45. State Board of Equalization re: Property Taxpayers' Bill of Rights Hearings – Public Hearings set for November 29, 2000 and December 13, 2000.
46. State Dept. of Health Services re: Fiscal Year 2000/2001 Description of Proposed Expenditure of CHIP/RHS Program Funds.
47. United Domestic Workers of America re: Important Developments Regarding the IHSS Program.
48. CALFED re: Update on the CALFED Ecosystem Restoration Program (ERP) 2001 Project Selection Process. (On file with Clerk)

49. Mariposa County Board of Supervisors re: Letter advising an ad hoc committee has been established to address maintaining and improving La Paloma Road.
SUPERVISORS KELSEY AND CROOKHAM AGREE TO MEET WITH MARIPOSA COUNTY

THE BOARD ADOPTED RESOLUTIONS AND ADJOURNED THE MEETING IN MEMORY OF BILL CLIFFORD RUBY AND LAURENCE WENTZ UNTIL OCTOBER 31, 2000 AT 8:30 A.M.

SUMMARY ACTION MINUTES – OCTOBER 17, 2000 – BOARD ORDERS

CONSENT ITEM NO. 8

2000-10-17 HEALTH – Beilenson Hearing

Supervisor Rivero states he wants to continue setting a Public Hearing for the Beilenson Hearing in conjunction with the Hospital Lease and direct staff to work with the Hospitals and Union Representatives on employee protection issues.

Director of Public Health Michael Ford states to meet Government Code requirements, the Public Hearing needs to be advertised for proper notice to the public. He further states, testimony will be heard and the Board will have the opportunity to continue or take action at the public hearing and no other action is being requested at this time.

Following discussion, Supervisor Crookham moves, seconded by Supervisor Kelsey, the Board set a Public Hearing for October 31, 2000 at 10:30 a.m. to receive public testimony regarding the proposed assignment of the Hospital Lease and Health Care Operating Agreement from Sutter Health to Mercy Hospital and Health Services – Catholic Health Care West for the management and operation of the former Merced Community Medical Center with the understanding the public hearing may need to be continued for further discussion.

Organization Director for AFSCME Keith Uriarte speaks in favor of delaying the issue.

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

Supervisor Rivero votes “no”. Motion carries.

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

Noes: Rivero

CONSENT ITEM NO. 11a

2000-10-17 BUSINESS-ECONOMIC OPPORTUNITIES

Business-Economic Opportunities Director John Fowler and Business-Economic Opportunities Assistant Director Loretta Schlosser review the request before the board to set a public hearing to consider a request by New Bethany, a non-profit public benefit organization located in Los Banos. Several Board members express concerns related to county obligations and costs. Assistant Director Schlosser reviews the public hearing process requirements and states the County will be requested to adopt a Resolution, however, will not be named in any of the financial documents.

Following a lengthy discussion, and upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried, the Board sets a public hearing for Tuesday, October 31, 2000 at 10:30 a.m. to consider Application by New Bethany for financing of its skilled facilities located in Los Banos through tax-exempt obligations not to exceed \$6,000,000 with the understanding review and signoff will occur by the Auditor and the Public Facilities Financing Review Committee.

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

10:30 A.M. SCHEDULED ITEM

2000-10-17 PLANNING – Public Hearing – Ordinance No. 1648

The time and date previously set for a public hearing to consider Zone Change Application No. 00002 submitted by Holy Rosary Church to change the zoning of a ten acre parcel from A-1 (General Agriculture) to R-1 (Single Family Residential) on property located southwest of the Intersection of American Avenue and Cypress Street in the Hilmar area.

Planner III Robert King reviews the Staff Report and advises the Planning Commission recommends approval.

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

Based on Findings and upon motion of Supervisor Kelsey, seconded by Supervisor Rivero, duly carried, the Board adopts the Negative Declaration; approves Zone Change Application No. 00002 and adopts Ordinance No. 1648.

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

Not Present: Crookham

10:30 A.M. SCHEDULED ITEM

2000-10-17 PLANNING – Public Hearing – Ordinance No. 1649

The time and date previously set for a public hearing to consider Zone Change No. 99007 and Minor Subdivision Application No. 00004 submitted by Henry TeVelde to rezone a 470 acre area from A-2 (Exclusive Agriculture) to A-1-40 (General Agriculture) and subdivide two parcels totaling 267 acres into two new parcels of 214.5 acres and 52.5 acres on property located east of Lee and Bradbury Roads, west of Oakdale Road and north of the Merced River in the Winton area.

Assistant Planning Director Bill Nicholson reviews the Staff Report advising the Planning Commission recommends approval.

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

Applicant Henry TeVelde is present to ask for board approval and respond to any questions.

Based on findings and upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board finds the project exempt from CEQA; approves Zone Change Application No. 99007 and Minor Subdivision Application No. 00004 with the following conditions:

1. A parcel map, including all parcels involved, shall be recorded within two years of the Board of Supervisors approval date as required by the Subdivision Map Act and Merced County Subdivision Code.
2. The division shall conform with the approved Exhibit Map and Legal Descriptions.
3. The owner shall provide, either on-site or off-site, a 20 foot wide access easement for Parcel 1 and the Remainder parcel to a County Maintained Road.
4. A deed restriction shall be recorded requiring the owner of the Remainder parcel to accept and properly manage dairy wastewater from Parcel 1 under the approved Comprehensive Nutrient Management Plan for the dairy, and in a manner consistent with any future conditions imposed by the County or the State relating to proper management of the wastewater.

5. The mined-out Aggregate pit adjacent to the Merced river on the Remainder parcel shall be fully reclaimed to the satisfaction of the Planning and Community Development Department under the provisions of SMARA and the use permit prior to recordation of the parcel map.

and adopts Ordinance No. 1649.

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

10:30 A.M. SCHEDULED ITEM

2000-10-17 PUBLIC WORKS – Appeal of Improvement Requirements Ordinance

The time and date previously set for a public hearing to consider An Appeal of Improvement Requirements Ordinance for Building Permit issued for 2215 E. Childs Avenue, Merced submitted by Dale E. Ferriera.

Attorney Ralph Temple, representing the applicant, reviews aerial photographs relative to road improvements, curbs, gutters, lights, etc. and states the Applicant does not feel he should have to pay the cost to comply with City standards due to the location of his property (within City SUDP) and the nature of the building since it is only a storage facility. Mr. Temple references Discretionary Acts and Building Permit Ministerial Acts, reviews the re-appraised value of the property and requests the Board approve the Appeal due to the building permit being issued without reference to these additional road improvements. He states the purpose of the Ordinance is to require additional improvements only if additional traffic is created and there shall be no additional traffic created by this storage facility.

Public Works Director Paul Fillebrown states this is a typical process in regards to Conditional Use and Building Permits and has been followed over the past 10 years with no appeals. He reviews Ordinance and County Code Section 16.08.040 Appeals and Waivers; Configuration of the Property; SUDP Requirements; Value on the Building.

A lengthy discussion is had and the amount for the improvements is reviewed.

County Counsel Dennis Myers states findings would need to be made before a waiver can be granted.

Following discussion, and upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried, the Board denies the Appeal for Waiver of an Agreement for Deferment of Construction required by the Merced County Public Works Department for property located at 2215 E. Childs Avenue and directs the Public Works Director and Staff to work with Mr. Dale Ferreira, property owner, to resolve the issues.

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

ACTION ITEM NO. 21

2000-10-17 ADMINISTRATION – Tobacco Settlement Revenues Securitization

Acting County Administrator Dee Tatum provides the Staff Report reviewing the Potential Long Term Risk and Financing Structure. He introduces County Municipal Financial Advisor David Leifer, Leifer Capital and Eric Tashman, Brown & Wood, to review Financing Structure and Legal Structure on securitization and non-securitization.

Ned Miller, Bloss Memorial Healthcare District, speaks on behalf of the Healthcare Alliance and reads a letter from Atwater Mayor Rudy Trevino written in conjunction with the Mayor's Council and Healthcare Alliance outlining the benefits of securitization.

Member of the Healthcare Alliance Mike Sullivan speaks in opposition of the securitization process.

Hospital Council for Northern Central California representative Bob David states there are long term risks and speaks in opposition of securitization and the obligation of funds being secured for Capital Improvements.

Livingston Healthcare Group Representative Nora Gonzales questions the timeline factor and speaks in favor of funding for creative healthcare.

American Heart Association and American Cancer Society member Lori Robles speaks in opposition of securitization.

Following a lengthy discussion and upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board takes the following action:

1. Authorizes the issuance and sale of tobacco settlement asset backed bonds either as a single issuer or under the same Official Statement with one or more counties.
2. Authorizes the Chairman to sign Resolution approving the formation of the California County Tobacco Securitization Agency (JPA); the formation of the Merced County Tobacco Funding Corporation (NPC); the execution of the Sale, Self-Insurance and Risk Transfer Agreement, the parameters for the sale of the bonds; the investment of the net bond proceeds by the Treasurer; and authorizes County Officials to do any and all things necessary to issue the Tobacco Asset Backed Bonds.
3. Approves and authorizes the Chairman to sign Contract No. 2000212 with the Law Firm of Brown & Wood to serve as Bond Counsel for the issuance of tobacco settlement asset backed bonds subject to review of Counsel, Auditor, Treasurer and Administration.
4. Approves selection of Paine Webber as the Underwriter for the issuance of tobacco settlement asset backed bonds subject to the terms and conditions of the Bond Purchase Agreement.
5. Appoint two Board Representatives to the California County Tobacco Securitization Agency and three or more representatives (at least one independent) as Board of Directors of the Merced County Tobacco Funding Corporation.
6. Approves and authorizes the Chairman to sign Amendment to Contract No. 10208 with Leifer Capital to act as Financial Advisor for the issuance of tobacco settlement asset backed bonds subject to review of Counsel, Auditor, Treasurer and Administration.
7. Authorizes the Chairman, Acting County Administrator, Auditor, Treasurer, Counsel and/or designees to sign Contract No. 2000213 with WEFA (Wharton Econometrics Forecast Agency) for a cigarette consumption and population forecast study, to the

extent such study is necessary to structure and sell the tobacco settlement asset backed bonds.

8. Authorizes expenditures for rating agency services related to the issuance of tobacco settlement asset backed bonds.
 9. Authorizes the Chairman, Acting County Administrator, Auditor, Treasurer, Counsel and/or designee to meet with municipal finance rating agencies and/or potential investors of tobacco settlement asset backed bonds out of state if necessary.
 10. Approves Budget Transfer and adopts Resolution No. 2000-200.
- Ayes: O'Banion, Cortez Keene, Crookham, Rivero, Kelsey

SCHEDULED ITEM NO. 23

2000-10-17 FIRE

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board selects Patch No. 4 as submitted by the Merced County Volunteer Fire Chiefs' Association and authorizes changing the design of the Merced County Fire Department Patch.

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