



MERCED COUNTY
BOARD OF SUPERVISORS

SUMMARY ACTION MINUTES

Regular Meeting
TUESDAY, JANUARY 23, 2001
Closed Session – 8:30 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

CHAIR GLORIA CORTEZ KEENE.....DISTRICT 1
KATHLEEN M. CROOKHAM....DISTRICT 2
JOE RIVERO.....DISTRICT 3
DEIDRE F. KELSEY....DISTRICT 4
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

8:30 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 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 and Merced County Law Enforcement Sergeants, Unit P

8:30 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: One Case

CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: It is the intention of the Board to meet in Closed Session concerning existing litigation pursuant to Subdivision (a) of Section 54956.9
Name of Case: Virginia Jones v. County of Merced

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: Castle Building No. 315, Recreation Center
Negotiating Parties: Valley Christian Center
THE BOARD RECONVENED AT 10:00 A.M. AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF

10:00 A. M.

PLEDGE OF ALLEGIANCE

INVOCATION - Pastor Joe Levsque, Planada Community Church

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 Report
RECEIVED REPORT FROM LIAISON REPRESENTATIVE KATHLEEN CROOKHAM

BUDGET TRANSFER FROM REVENUE (4/5 Vote Required)

Health - \$87,066

APPROVED AS RECOMMENDED AYES: ALL

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

APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:30 A. M.

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

An Ordinance to extend by Two Years the Grant to Northland Cable Properties, Inc., of a Non-Exclusive Franchise to construct, operate and maintain a Cable Television System in Unincorporated Territories in the

County of Merced and providing Terms and Conditions for the Operation of such system and provided fees therefore (Amends Ordinance No. 1202)

REVIEW BOARD ORDER – SEE PAGE 11 and 12

APPROVED RECOMMENDATION AND ADOPTED ORDINANCE NO. 1651

AYES: ALL

10:30 A. M.

PLANNING – PUBLIC HEARING

Appeal of Conditional Use Permit Application No. 99012 and Reclamation Plan

Applicant: Calaveras Materials, Inc. - Woolstenhulme Ranch Mine

Appeal(s) filed by: Leonard and Judy Pareira; H.G. Kelsey, Barbara Burroughs on behalf of the Concerned Citizens of the Merced River School District and California Women for Agriculture

Proposal: To excavate 456 acres of a 635-acre site over a 35 year period to produce 15 million tons of Portland cement-grade concrete sand and gravel. Concurrent with mining of 14 successive phases, the perimeters of created open water bodies would be reclaimed to upland and wetland habitat. 179 acres of existing riparian habitat will be preserved. The site is located along the west side of State Highway 59, south of Turlock Road and north of the Merced River in the Hopeton area

REVIEW BOARD ORDER – SEE PAGE 12 and 13

OPENED PUBLIC HEARING, RECEIVED TESTIMONY AND CONTINUED THE PUBLIC HEARING TO FEBRUARY 1, 2001 AT 10:00 A.M.

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

REPORTS/BOARD DIRECTION

County Administrator

County Counsel

County Auditor

Board of Supervisors Members

LUNCH BREAK

1:30 P. M.

JOINT STUDY SESSION - BOARD OF SUPERVISORS AND MERCED COUNTY PLANNING COMMISSION

To discuss and consider revisions to the General Plan in support of UC Merced

REVIEW BOARD ORDER – SEE PAGE 15

THE BOARD ACKNOWLEDGED RECEIPT OF THE DRAFT - INITIAL STUDY AND NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION – MERCED COUNTY GENERAL PLAN REVISIONS AND AUTHORIZED STAFF TO PROCEED WITH THE PLAN AND PUBLIC HEARINGS

CONSENT CALENDAR (Items #1 – 20)

APPROVED AS RECOMMENDED AYES: ALL

Budget Transfer

1. Approve Budget Transfers received from Public Works/Fleet-\$52,250 (#021) and Human Services Agency-\$13,000 (#H05) as recommended.

Claims for Damages

2. Act on Claims for Damages received from Cristina Powell, Derrick Flournoy (3), Donnika Wilkins, Ed Torres, Gary Miner, Patricia Parker, Alice Barcellos, City of Atwater, Azucena Vasquez and Joseph Zakhary as recommended by Risk Management.

Probation

3. Authorize Overhire of one Juvenile Institutions Officer position for a Limited Term Appointment for a period of six months or upon return of the employee.
4. Approve and authorize Chairman to sign Renewal Contract with Livingston Police Department for Satellite Office space for FY 2000/2001.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 99185

Ag. Commission

5. Approve and authorize Chairman to sign the Renewal Contracts for handling and release of dogs and cats from their jurisdiction to Animal Control as follows: No. 5274-City of Livingston, No. 5279-City of Los Banos, No. 5281-City of Dos Palos, No. 5282-City of Atwater and No. 99032-City of Merced.

Public Works

6. Adopt Resolution Restricting Parking at the Delhi High School bus lane on the west side of Shanks Road.
ADOPTED RESOLUTION NO. 2001-10
7. Adopt Resolution to accept the Easement Deed from Pilot Corporation for Storm Drainage Purposes in the Santa Nella SUDP.
ADOPTED RESOLUTION NO. 2001-11
8. Adopt Resolution for the Summary Vacation of a Storm Drainage Easement for Santa Nella Plaza.
ADOPTED RESOLUTION NO. 2001-12

Health

9. Adopt Resolution and authorize Chairman to sign Renewal Contract No. 8385 with State Dept. of Health Services for 2001 Immunization Program Funding.
ADOPTED RESOLUTION NO. 2001-13
10. Approve and authorize Chairman to sign Renewal Contract No. 99208 with Solano County as Host County for Medi-Cal Administrative Activities/Targeted Case Management Program.
11. Adopt Resolution authorizing Chairman to sign Amendment to Contract No. 200066 with Boyle Engineering for the EPA Groundwater Project extending the contract to March 1, 2001.
ADOPTED RESOLUTION NO. 2001-14

Private Industry Training Department

12. Approve and authorize Chairman to sign Amendment to Contract No. 2000160 with Merced College to provide Supportive Services to Workforce Investment Act participants enrolled at Merced College.

13. Approve and authorize Chairman to sign Amendment to Contract No. 200079 with Strumpf Associates to provide for additional training for PITD Staff and Workforce Investment Board Members.

Human Services Agency

14. Approve and authorize Chairman to sign Renewal Contract No. 9575 with Health Department for public health nurse services for Child Welfare Health-Related issues.
15. Approve and authorize Chairman to sign Renewal Contract No. 7174 with Merced College for excess costs for services to CalWORKs participants.
16. Approve and authorize Chairman to sign Renewal Contract No. 200022 with Probation Department for the utilization of a Deputy Probation Officer to coordinate efforts of CalWORKs client identification.
- 16a. Approve and authorize Chairman to sign Renewal Contract with Public Works for operation of the After-School Recreation/Tutor Program.

AUTHORIZED CHAIRMAN TO SIGN RENEWAL CONTRACT NO. 2000182

Board of Supervisors

17. Set public hearing for February 6, 2001 at 10:30 a.m. to consider an Appeal to Planning Commission decision on Conditional Use Permit Application No. 00018 (Snelling area) received by SunUp Land and Cattle Company.

Board Recognition

18. Authorize Certificate of Recognition to Carmen Custer for dedicated service as 2000 Chamber President of the Hilmar Chamber of Commerce.
19. Authorize presentation of Plaque and Resolution to Terry Tatum for her dedicated years of service to Merced County.

Public Works-Castle

20. Approve Termination of Sublease Agreement between Joe Castro and Merced County with an effective date of December 5, 2000.

AUTHORIZED TERMINATION OF CONTRACT NO. 2000193

21. PULLED

REGULAR CALENDAR

BOARD ACTION

BUSINESS-ECONOMIC OPPORTUNITIES

22. Approve prioritization of the three California Defense Adjustment (CDAM) Matching Grant Applications.

REVIEW BOARD ORDER – SEE PAGE 11

APPROVED AS RECOMMENDED AYES: ALL

PUBLIC WORKS-CASTLE

23. Authorize submission of Calif. Defense Adjustment Matching (CDAM) Grant Application for up to 50% (approximately 37%) of the Local Match for an FAA Grant for Castle Airport and authorize Public Works Director to sign associated documents.

APPROVED AS RECOMMENDED AYES: ALL

PUBLIC WORKS

24. Approve issuance of a warrant to R. Scott Johnston, Custodian of the Cash Difference Fund, for replenishment of Solid Waste Division Cash Difference Fund in the amount of \$154.27 to be taken from Budget Unit 75100/Overage Account 97998 and approve necessary budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

PLANNING

25. Authorize Contract with Steve Selinger for payment of costs related to review and validation of the Applicant's EIR and processing of the Wilkinson Ranch Project; Contract between Consultant, Planning Partners and the County for Professional Environmental Review and Permit Processing Services on the Wilkinson Ranch Application and approve necessary budget transfer.

APPROVED RECOMMENDATION AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200107 WITH STEPHEN SELINGER AND CONTRACT NO. 200108 WITH PLANNING PARTNERS AYES: ALL

26. Adopt Resolution amending Resolution No. 2000-137 Rules of Procedure to Implement the California Land Conservation Act of 1965 (Williamson Act) to amend the Annual Final Filing Period to September 30 of each year.

APPROVED AND ADOPTED RESOLUTION NO. 2001-15 AYES: ALL

HUMAN SERVICES AGENCY

27. Approve Year End Report for Merced County Area Agency on Aging Four Year Plan for July 1999 – June 2000 and authorize the Chairman to sign Transmittal Letter.

APPROVED AS RECOMMENDED AYES: ALL

28. Contract with Private Industry Training Department in collaboration with Merced College and their Independent Living Program.

APPROVED RECOMMENDATION AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200109 AYES: ALL

29. Contract with Merced County Association of Governments for Grant Writing Services.

APPROVED RECOMMENDATION AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200110 AYES: ALL

PRIVATE INDUSTRY TRAINING DEPARTMENT

30. Approve and authorize Chairman to sign Contract with State EDD for Labor Market Information Survey Agreement.

APPROVED RECOMMENDATION AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 9673 AYES: ALL

31. Contract with Merced College for Welfare-to-Work, Independent Living Program.
APPROVED RECOMMENDATION AND AUTHORIZED CHAIRMAN TO SIGN
CONTRACT NO. 200111 AYES: ALL

32. Authorize development of Request for Proposal to solicit proposals for an automated Customer Assessment System for the Merced County One-Stop Delivery System.
APPROVED AS RECOMMENDED AYES: ALL

SPRING FAIR

33. Contract with Butler Amusements for Carnival Operations at the 2001 Spring Fair.
APPROVED RECOMMENDATION AND AUTHORIZED CHAIRMAN TO SIGN
CONTRACT NO. 200112 AYES: ALL

GENERAL SERVICES

34. Authorize negotiation of Contract with Enhanced 911 Data Base Services for 911 Data Base Collection and approve necessary budget transfer.
APPROVED RECOMMENDATION AND AUTHORIZED GENERAL SERVICES
DIRECTOR TO SIGN CONTRACT NO. 200140 AYES: ALL

SHERIFF

35. Accept Grant Award of \$85,173 from Bureau of Justice Administration for the 2000 Local Law Enforcement Block Grant and approve necessary budget transfer.
APPROVED RECOMMENDATION AND AUTHORIZED CHAIRMAN TO SIGN
CONTRACT NO. 200141 AYES: ALL

DISTRICT ATTORNEY

36. Authorize Contract with Marilyn Anhalt for Comprehensive Transition Plan of the Family Support Division from the jurisdiction of the District Attorney into a new County Department of Child Support Services, said transition scheduled for July 1, 2002 and approve the necessary budget transfer.

REVIEW BOARD ORDER – SEE PAGE 11

APPROVED AS RECOMMENDED AYES: ALL

37. Statewide transition of Family Support independent status and preparation of Child Support Local Customer Service Plan – add four Family Support Officer I/II, Range 53.2/55.2; delete one Family Support Assistant, Range 51.2 and one Family Support Services Specialist position and classification, Range 60.2; establish and approve classification of Child Support Services Program Manager, Range 62.6; establish the Customer Care Unit Differential of 7.5%; approve the necessary budget transfer and adopt Resolution.

NO ACTION TAKEN - HELD OVER

UC MERCED PROJECT

38. Authorize UC Development Office to charge fee of \$.25 cents per page for Reproduction of Documents and records related to the UC Project.

REVIEW BOARD ORDER – SEE PAGE 11

APPROVED AS RECOMMENDED AYES: ALL

COMMUNITY ACTION AGENCY

39. Authorize the 3.5% Cost of Living Allowance (COLA) increase for Community Action Agency Child Development Services Staff with an effective date of December 4, 2000.

APPROVED AS RECOMMENDED AYES: ALL

ADMINISTRATION

40. Approve Release of Request for Proposal for the operational and permitting audit of the Merced County Planning and Community Development Department, authorize the preparation and fast track of the Request for Proposal, solicit and select potential vendors and negotiate the necessary agreements to come back to the Board for approval and upon award of the Request for Proposal, authorize Administration to facilitate access to other departments involved with the processing of operational and permitting needs as identified.

APPROVED AS RECOMMENDED AYES: ALL

41. Accept RFP No. 5690 and award Contract to Merced Community Action Network for implementation of the Graffiti Abatement Program.

REVIEW BOARD ORDER – SEE PAGE 14

APPROVED AS RECOMMENDED AYES: ALL

42. Approve Redistricting Project recommendations as outlined with Timelines and Redistricting Committee with a public participation plan to reach out as far into the community as possible for education, input and participation in the plan.

REVIEW BOARD ORDER – SEE PAGE 14

APPROVED AS RECOMMENDED AYES: ALL

43. Effective Pay Period 2 (commencing January 15, 2001) designate Andrea Baker as “Acting Director of the Private Industry Training Department” and authorize “A” Level Management Benefits and adopt Resolution to amend the Human Resources Rules and Regulations to provide for a 10% Salary Adjustment for Unrepresented Management accepting a Temporary Promotion.

APPROVED AND ADOPTED RESOLUTION NO. 2001-17 AYES: ALL

- 43a. Authorization for On-Call Assignments at Castle and change the salary of the Environmental Coordinator, Range 63.9 to 64.9 effective Pay Period 20 (9/10/2000) and from 64.9 to 65.7 effective Pay Period 25 (11/20/2000) and adopt Resolutions.

REVIEW BOARD ORDER – SEE PAGE 14

APPROVED AND ADOPTED RESOLUTION NO. 2000-18 (Public Works) AND 2000-19 (Planning) AYES: ALL

BOARD OF SUPERVISORS

- 43b. Authorize CAO to assemble a Transition Team with the intent of returning to the Board within sixty days to provided a recommended strategy regarding the “Mega-Agency”. Final recommendations to be forthcoming at FY 2001/2002 Proposed Budget; authorize CAO to call upon any department in the County for assistance in ascertaining the requirements, needs and costs estimates regarding Mega-Agency viability; authorize CAO to enter into contract services with consultant regarding manager and staff transition issues related to Mega-Agency assessment.

REVIEW BOARD ORDER – SEE PAGE 15

APPROVED RECOMMENDATIONS MODIFYING THE TRANSITION TEAM TITLE TO FEASIBILITY STUDY TEAM AYES: ALL

BOARD APPOINTMENTS

44. Board of Supervisors re: Committees/Commissions and Board Recommendations.
Coalition for Tobacco Prevention and Cessation Programs

APPOINTED ANGELINA TORREZ TO SERVE AS A MEMBER OF THE COALITION FOR TOBACCO PREVENTION AND CESSATION PROGRAMS UNTIL MARCH 6, 2003 REPRESENTING LIVINGSTON COMMUNITY HEALTH SERVICES AYES: ALL

BOARD INFORMATION AND POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

45. Public Works re: Contracts with Planada, Le Grand, Delhi, Atwater and Winton School Districts and the Cities of Merced and Dos Palos in connection with Board Action of August 28, 2000 for operation of After-School Recreation/Tutor Programs overseen by Public Works and Human Services Agency.

AUTHORIZED THE CHAIRMAN TO SIGN THE FOLLOWING CONTRACTS: 2000272-Atwater School District, 2000273-Le Grand Elementary School District, 2000274-Planada School District, 2000275-Winton School District, 2000276-Delhi Unified School District, 2000277-City of Merced and 2000278-City of Dos Palos AYES: ALL

46. Business-Economic Opportunities re: AT&T notification of price increases to be effective on February 1, 2001.
47. Tri-Valley Growers re: Notice of Plant/Facility Closing/Mass Layoff due to Sale. (On file with Clerk)
48. California Workforce Investment Board re: Notification that the Five Year Strategic Plan for Workforce Investment Activities submitted has been reviewed and determined to meet the requirements of WIA and appropriate federal regulations.
49. U.S. Dept. of Interior re: Water Management Plans Annual Update and Workshop.
50. Governor's Office re: Workshop Announcement – Governor's Clean Energy Green Team – San Joaquin Air Pollution Control District.
51. State Controller re: Schedule of Amounts paid to Counties within three public grazing districts under section 3 of the Taylor Grazing Act and amounts paid for rental fees from lease of land not situated within established grazing district under section 15 of the act.
52. Central Valley Regional Water Quality Control Board re: Agenda Notice.
53. California High Speed Rail Authority re: Overview of December Meeting and notification of January 24, 2001 Meeting Agenda.
54. State Board of Equalization re: Kern County Assessment Practices Survey. (On file with Clerk)
55. State Board of Equalization re: Property Tax Committee Work Plans-2001. (On file with Clerk)

56. State Board of Equalization re: Proposed Property Tax Rule – Taxable Possessory Interests in Section 11 Properties.
57. State Board of Corrections re: Requests for Proposals (RFP) for Local Juvenile Facility Construction Grants, Proposals are due by February 20, 2001

ADOPTED RESOLUTION AND ADJOURNED MEETING IN MEMORY OF CARMELITA ROMERO UNTIL TUESDAY, JANUARY 30, 2001 AT 10:00 A.M.

BOARD ORDERS - SUMMARY ACTION MINUTES – JANUARY 23, 2001

ACTION ITEM NO. 22

2001-01-23 BUSINESS-ECONOMIC OPPORTUNITIES

Upon motion of Supervisor Kelsey, seconded by Supervisor Rivero, duly carried, the Board approves the prioritization of the three California Defense Adjustment (CDAM) Matching Grant Application as follows:

1. EDA Grant Application for Communications Infrastructure/ Building Demolition at Castle, EDA Grant Value = \$4.6 million and CDAM requested value = \$150,000;
2. OEA Grant Application for Strategic Marketing Plan/Implementation at Castle. OEA Grant Value = \$80,000, CDAM requested value = \$10,000;
3. FAA Grant for Castle Airport Facilities/Equipment Improvements. FAA Grant Value = \$678,000, CDAM requested value = \$37,000.

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

ACTION ITEM NO. 36

2001-01-23 DISTRICT ATTORNEY

Upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 200113 with Marilyn Anhalt for provision of a Comprehensive Transition Plan in accordance with SB 542 to transition family support divisions from the jurisdiction of the District Attorney into a new County Department of Child Support Services with Merced County set for July 1, 2002 and approves the necessary budget transfer.

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

ACTION ITEM NO. 38

2001-01-23 ADMINISTRATION - UC MERCED

Lydia Miller, President-San Joaquin Raptor Rescue Center, submits a letter dated January 23, 2001 on behalf of the Center and Protect Our Water stating opposition to the fees for reproduction costs.

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board authorizes the UC Merced Development Office to charge a fee of \$.25 per page to reproduce documents and records related to the UC Project.

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

10:30 A.M. SCHEDULED ITEM

2001-01-23 BUSINESS-ECONOMIC OPPORTUNITIES – PUBLIC HEARING

The time and date previously set for a public hearing to consider An Ordinance to extend by two years the Grant to Northland Cable Properties, Inc., of a Non-Exclusive Franchise to construct, operate and maintain a Cable Television System in Unincorporated Territories in the County of

Merced and providing Terms and Conditions for the Operation of such system and provided fees therefore (Amends Ordinance No. 1202).

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 waives further reading and adopts Ordinance No. 1652.

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

10:30 A.M. SCHEDULED ITEM

2001-01-23 PLANNING – PUBLIC HEARING - Appeal

The time and date previously set for a public hearing to consider an Appeal to Conditional Use Permit Application No. 99012 and Reclamation Plan submitted by Leonard and Judy Pareira; H.G. Kelsey and Barbara Burroughs on behalf of the concerned citizens of the of the Merced River School District and the California Women for Agriculture. Said Application submitted by Calaveras Materials, Inc. – Woolstenhulme Ranch Mine. Proposal is to excavate 456 acres of a 635-acre site over a 35 year period to produce 15 million tons of Portland cement-grade concrete sand and gravel. Concurrent with mining of 14 successive phases, the perimeters of created open water bodies would be reclaimed to upland and wetland habitat. 179 acres of existing riparian habitat will be preserved. The site is located along the west side of State Highway 59, south of Turlock Road and north of the Merced River in the Hopeton area.

The Chairman reads a brief statement into the record from Supervisor Kelsey stating she will not participate in this public hearing due to conflicting interests and Supervisor Kelsey leaves the Chambers.

Environmental Coordinator Desmond Johnston provides a brief summary and overview of the project as submitted in the Staff Report.

Project Director Stephen Jenkins, Environmental Science Associates, comments on the Woolstenhulme Ranch Sand and Gravel Mining Project Draft Environmental Impact Report and Technical Appendix for Draft Environmental Impact Report dated August 2000 and the Final Environmental Impact Report dated November 1, 2000. Mr. Jenkins also reviews the public participation process and mineral land classifications.

Discussion is had on the dredge tailings, the mineral land classification resources, the Environmental Impact Report (EIR) and the impacts.

Environmental Coordinator Johnston reviews the conditions modified by the Planning Commission. Mr. Johnston submits a letter from Leonard and Judy Pareira withdrawing their Appeal to Conditional Use Permit No. 99012 and Reclamation Plan.

Acting Planning Director Bill Nicholson states the Planning Commission recommended adoption of the environmental findings, certification of the Final EIR and approval subject to conditions. He comments on questions to dredge tailings.

The Board recesses at 11:25 a.m. and reconvenes at 11:30 a.m. with Supervisor Kelsey not present.

Attorney Steven Herum, representing appellant H.G. Kelsey, expresses concern with significant traffic impact issues. Mr. Herum submits City of Irwindale Mining and Reclamation Impact Study – Volume 1, Executive Summary and Technical Overview, March 1999 (Revised) and Volume II – Technical Report, March 1999 and letter dated January 22, 2001 regarding the Conditional Use Permit and Environmental Impact Report.

County Counsel Dennis Myers intervenes regarding documents being submitted. He recommends to the Board, before the Board looks at these documents, that Counsel have an opportunity to review the documents and a copy be given for the record.

Chairman Cortez Keene expresses concern on the number of reports and information submitted to the Board and the review process not being provided to the Board members. The Board discusses the proper procedure on submittal of documents and questions information addressed at the Planning Commission level.

Following a lengthy discussion on the submission of documents and in order to conduct a fair and equitable hearing process, the Board discusses taking a break in order to review the documents.

Bill Gnass, Attorney at Law representing the Applicants, states all their documentation has been submitted through the Planning Department and it is part of the public record. Mr. Gnass states they have withdrawn their request to modify the conditions per letter dated January 18, 2001.

Jack Uren, Concerned Merced County Resident, questions the hearing process stating anyone that has anything new could and should be able to submit it to the Board at this time.

The Board recesses at 12:15 p.m. and reconvenes at 1:05 p.m. with Supervisor Kelsey not present.

The Chairman states at this time, the Board has a scheduled Joint Session with the Planning Commission and would like to give all parties a fair opportunity to be heard. The Chairman requests the hearing be continued to allow review of documentation stating the Board does not want anyone submitting documentation to feel the material is going to be disregarded.

Supervisor Rivero moves, seconded by Supervisor Crookham, the Board continue the public hearing to Thursday, February 1, 2001 at 10:00 a.m.

County Counsel Dennis Myers clarifies written material that wishes to be considered by the Board for this public hearing should be submitted today.

The Chairman calls for a Vote on the Motion. Motion carries.
Ayes: Cortez Keene, Crookham, Rivero, O'Banion
Not Present: Kelsey

ACTION ITEM NO. 41

2001-01-23 ADMINISTRATION

Following discussion and upon motion of Supervisor Rivero, seconded by Supervisor Kelsey, duly carried, the Board approves Request For Proposal (RFP) No. 5690, awards and authorizes Chairman to sign Contract No. 200106 to Merced Community Action Network for Implementation of the Graffiti Abatement Program in the unincorporated areas of Merced County and authorizes the CAO to sign subsequent amendments within the contract budget.

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

ACTION ITEM NO. 42

2001-01-23 ADMINISTRATION

Upon motion of Supervisor Rivero, seconded by Supervisor Kelsey, duly carried, the Board approves the recommended outline for the Redistricting Project Plan as follows:

- a. Approve a Redistricting Project with Timelines and Public Participation Plan to reach out as far into the community as possible for education, input and participation in the Plan and direct Staff to implement the Program in accordance with Elections Code Section 21500, et seq.
- b. Authorize and direct Administration and General Services to prepare a Request for Proposal, solicit and select potential consultants, and negotiate the preparation of the necessary agreements for the Board of Supervisors approval no later than February 27, 2001. A county staff team and consultants conduct public outreach efforts that will include: presentations regarding the redistricting process, a web page with information on redistricting projections and principles and a process to receive input from the public.
- c. The Board hold public meetings to consider a Redistricting Plan to be sent to the Department of Justice for pre-clearance. The final public hearing to select a Plan is recommended by June 19, 2001 in order to allow sufficient time for pre-clearance.
- d. Upon pre-clearance from the U.S. Dept. of Justice, the Board adopt a Boundary Ordinance by September 11, 2001.

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

ACTION ITEM NO. 43a

2001-01-23 ADMINISTRATION

Supervisor Rivero moves, seconded by Supervisor O'Banion, the Board changes the salary of the Environmental Technician, Range 63.9 to 64.9, effective Pay Period 20 (9/10/2000) and from 64.9 to 65.7 effective Pay Period 25 (11/20/2000) and authorizes the Castle-Property and Facility Maintenance Manager to receive "On Call" Pay due to the need to respond after hours and adopts Resolution No. 2001-17 (Public Works–Castle) and Resolution No. 2001-18 (Planning).

Judy Steinke, AFSCME Representative, speaks in concern requesting the Unions all be consulted with.

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

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

ACTION ITEM NO. 43b

2001-01-23 BOARD OF SUPERVISORS

Upon motion of Supervisor Crookham, seconded by Supervisor Rivero, duly carried, the Board authorizes the County Administrative Officer to assemble a Feasibility Study Team with the intent of returning to the Board within sixty days to provide a recommended strategy regarding the "Mega-Agency" with the Final Recommendation to come forth at Fiscal Year 2001/2002 Proposed Budget; authorizes County Administrative Officer to call upon any department in the County for assistance in ascertaining the requirements, needs and cost estimates regarding Mega-agency viability and authorizes the County Administrative Officer to enter into contract services with consultant, regarding manager and staff transition issues related to Mega-Agency assessment.

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

1:30 P.M. SCHEDULED ITEM – JOINT STUDY SESSION

2001-01-23 BOARD OF SUPERVISORS / PLANNING COMMISSION

The time and date previously set for a Joint Meeting between the Board of Supervisors and the Planning Commission to discuss and consider revisions to the General Plan in support of UC Merced.

The Clerk calls for Roll Call with all Board Members present. Acting Planning Director Bill Nicholson calls for Roll Call with all Planning Commissioners present.

UC Merced Planning Director Robert Smith submits and reviews the Staff Report and Draft – Initial Study and Notice of Intent to Adopt a Negative Declaration for Merced County General Plan, Revisions, dated December 18, 2000 prepared by EIP Associates.

Mr. Smith states the County will ultimately adopt a Community Plan for the University Community adjacent to the campus site and will be amending the General Plan as necessary to support a Regional Conservation Program. The revisions that have been developed with the State Office of Planning and Research (OPR) and do not result in any policy changes to the General Plan but reflect a regional approach to conservation planning and the siting of the campus and associated community. He states the comment period has been extended an additional 30 days from January 10 to February 9, 2001.

The Chairman asks if there is anyone present that would like to comment.

Lorraine Bocks, President of the California Women for Agriculture, questions if a county wide general plan amendment is needed and suggests a specific urban development plan.

Following discussion, the Board of Supervisors acknowledges receipt of the Draft – Initial Study and Notice of Intent to Adopt a Negative Declaration, Merced County General Plan Revisions as submitted, authorizes staff to proceed with the plan and sets a public hearing for February 27, 2001 at 10:30 a.m. to consider revisions to the General Plan in support of UC Merced.

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

Planning Commissioners Present: Wager, Tanner, Whitney, Clauss and Sloan

