



**MERCED COUNTY**  
**BOARD OF SUPERVISORS**

**SUMMARY ACTION MINUTES**

Regular Meeting  
TUESDAY, APRIL 24, 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:**      It is the intention of the Board to meet in Closed Session pursuant to Subdivision (e) of Section 54957:  
PUBLIC EMPLOYEE PERFORMANCE EVALUATION/JOB PERFORMANCE  
Title: County Administrator  
**THE CHAIRMAN ADVISED CLOSED SESSION WILL BE CONTINUED UNTIL 1:00 P.M.**

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

**INVOCATION**  
**Dr. Bob Hey, Associate Pastor - First Baptist Church, Merced**

10:00 A. M.

**PRESENTATION – Volunteer Recognition/Service Program Awards**

**REVIEW BOARD ORDER – SEE PAGE 11**

**A reception in Room 310 will be held in honor of the presentations**

**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: Jim Price, Vice-President of Gemini**

**UC MERCED PROJECT - Liaison Report**

**RECEIVED REPORT FROM UC LIAISON KATHLEEN CROOKHAM**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES**

**(4/5 Vote Required)**

Area Agency on Aging (#A1-12)-\$108; Spring Fair-\$2,800; Health-\$29,152; Public Works (#058)-\$21,000 and Sheriff-\$28,800

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 – 22)**

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF COMMUNITY ACTION AGENCY CONSENT AGENDA CALENDAR (Items #23 – 27)**

**APPROVED AS RECOMMENDED AYES: ALL**

**MINUTES SUBMITTED FOR APPROVAL: JANUARY 9, 23, and 30, 2001 AND FEBRUARY 6 AND 27, 2001**

**APPROVED AS RECOMMENDED AYES: ALL**

**GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)**

10:30 A. M.

**PLANNING – PUBLIC HEARING**

**Appeal of Modification No. 99006, Conditional Use Permit Application No. 3346**

Applicant – Evaristo J. and Maricia M. Vaz

Appellant – Sierra Club incl. Tehipite Chapter, Merced Group and Members

Proposal is to modify the permit to bring the dairy into compliance with county, state and federal regulations or to consider revocation of the permit on property located on the northwest corner of Sunset Avenue and Creek Road in the Los Banos area

**REVIEW BOARD ORDER – SEE PAGE 11, 12, 13, 14 AND 15**

**THE BOARD DENIED THE APPEAL AND UPHELD THE DECISION OF THE PLANNING COMMISSION AYES: ALL**

10:30 A. M.

**REPORTS/BOARD DIRECTION**

County Administrator  
County Counsel  
County Auditor  
Board of Supervisors Members

**LUNCH BREAK**

1:00 P.M.

**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 54956.9, Subdivision (c ):

Name of Case: County of Merced vs. TID, Case No. 138194

**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 and Merced County Sheriff Employee Association (MCSEA), Unit 2

**CLOSED SESSION:**

It is the intention of the Board to meet in Closed Session pursuant to Subdivision (e) of Section 54957:

**PUBLIC EMPLOYEE APPOINTMENT**

Title: Planning and Community Development Director

**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 RECONVENED AT 3:50 P.M. AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO COUNSEL**

**CONSENT CALENDAR (Items #1 – 22)**

**APPROVED AS RECOMMENDED AYES: ALL**

Budget Transfers

1. Approve Budget Transfers submitted by Spring Fair-\$1,800; UC Merced Development Office-\$1,500; District Attorney-Family Support-\$47,000; Health-\$28,468 and \$669; Public Works (#060)-\$3,000 and Tax Collector-\$4,950 and \$2,800 as recommended by Administration.

Travel Requests

2. Approve Travel Requests submitted by Public Defender as recommended by Administration.

### Risk Management

3. Act on Claims submitted by Steven M. Jump, Chalino Hernandez, Donald Brown, Ryan Curtis Howard, Donna Jean Crowder, Benjamin Ortiz, David/Olga Alvarez, Charlene Tolefree, Lisa Burks, William Schell, Jr. and Stephan Calvin Brown, Sr. (3) as recommended by Risk Management.

### Public Works

4. Adopt Resolution authorizing Chairman to sign Right of Way Contract accepting Grant Deed from Jim/Darlene Ellis for a parcel required for the Realignment/Reconstruction of Avenue Two over Canal Creek between Buhach Road and Santa Fe Avenue located east of Atwater.

**AUTHORIZED THE CHAIRMAN TO SIGN CONTRACT NO. 200174 AND ADOPTED RESOLUTION NO. 2001-71**

### Health

5. Approve and authorize Chairman to sign Renewal Contract No. 1472 with Calif. Dept. of Food and Agriculture for the Egg Quality Control Program.
6. Approve and authorize Chairman to sign Renewal Contract No. 200087 with State Dept. of Health Services for Ryan White Care Act funding in the amount of \$106,556.
7. Adopt Resolution approving submission of Household Hazardous Waste Grant for 2001/2002 and authorize Chairman to sign Contract.

**AUTHORIZED THE CHAIRMAN TO SIGN CONTRACT NO. 200278 AND ADOPTED RESOLUTION NO. 2001-72**

### Probation

8. Approve and authorize Chairman to sign Renewal Contract No. 6315 with Calif. State Dept. of Education-School Nutrition Programs Unit for participation in the Annual National School Breakfast and Lunch Program for Fiscal Year 2001/02.

### Sheriff

9. Authorize Correctional Senior Sergeant (Position #35) be underfilled with a Correctional Officer I/II position and that position Correctional Officer I/II (Position #23) be overhired with a Correctional Officer I/II for a six month period.

### Mental Health

10. Approve and authorize Chairman to sign Renewal Contract No. 8361 with Health for Mail Delivery services in an amount not to exceed \$11,000 for the period of July 1, 2001 through June 30, 2002.
11. Approve and authorize Chairman to sign Renewal Contract No. 7508 with Mary Eirich for space for a new CalWORKs Treatment Program through relocation of staff currently housed with Human Services Agency and Mental Health for the period of July 1, 2001 through June 30, 2002.
12. Approve and authorize Chairman to sign Renewal Contract No. 9950 with Evans Private Security Patrol for provision of security services to the Marie Green Psychiatric Facility in the maximum amount of \$16,000 for Fiscal Year 2001/02.

13. Proclaim the month of May, 2001 as "Mental Health Month" in Merced County.

Human Services Agency

14. Contract Amendment with Area Agency on Aging for a Linkages and Respite Program and approve budget transfer.

**APPROVED AND AUTHORIZED THE CHAIRMAN TO SIGN CONTRACT NO. 99111**

Business-Economic Opportunities

15. Approve and authorize Chairman to sign Renewal Contract No. 9926 with Dept. of Defense for operation of Procurement Technical Assistance Center (PTAC) to assist small businesses in contracting with the federal, state and local government and authorize Business-Economic Opportunities Director to sign subsequent amendments.

Board of Supervisors

16. Refer Annual Survey of Government Employment authorized by Title 13, United States Code, Section 182, to collect data on State and local government employment and payrolls for one pay period in March of each year which will be used to provide the only source of nationwide comprehensive information to the Auditor's Office for completion.

Board Recognition

17. Authorize Certificates of Recognition to Dennis Noble, Matthew Rossow and Bert Crane for years of services as Board of Director members on the Merced County Farm Bureau.

18. Authorize Certificates of Recognition to the following individuals honored during Women's History Month: Rita Frances Rivera-Livingston, Mabel Celano-Los Banos, Marion Homen Rose-Gustine, Mary Torres-Atwater, Helen Stewart-Merced, Kathleen Lopez-Planada, Beatrice Tiffie-Dos Palos, Wanda Conley-Winton and Barbara Matheron-Hilmar.

19. Authorize Certificates of Recognition to Tim McNally, Carolann DeMoss and Kathy Nerell for their selection for the Veterans of Foreign Wars National Citizenship Education Teacher Awards.

20. Adopt Resolution commending Gerry Roberts upon her retirement and for her dedicated service to the citizens of Merced County.

21. Authorize Certificates of Recognition to various individuals for 2001 Winton Explorer Post #322 promotions.

**REVIEW BOARD ORDER – SEE PAGE 11**

22. Proclaim month of April, 2001 as "Child Abuse Prevention Month" in Merced County

COMMUNITY ACTION AGENCY CONSENT CALENDAR (Items #23 - 27)

**APPROVED AS RECOMMENDED AYES: ALL**

23. Approve and authorize CAB Chair to sign Addendum to Contract with Arnaudo Brothers, Inc. for Santa Nella Head Start Facility.

24. Approve and authorize CAB Executive Director to sign Contract with Los Banos Redevelopment Agency for Los Banos Community Development Center Facility.

25. Approve and authorize CAA to submit Funding Application to U.S. Dept. of Commerce for Federal Assistance in the amount of \$241,101 for Start-Up Funding to develop Community ActionNet (CAN) Program.
26. Authorize submission of Federal Emergency Shelter Grant Application with State Dept. of Housing and Community Development in the amount of \$250,000, authorize CAB Chair to sign Resolution and appropriate documents for submission and Executive Director to sign Agreement if awarded.
- 26a. Authorize CAB Chair to sign Contract with Judith Hahn for new Housing Services Department Facility located at 1414 "R" Street which will house a Homeless Day Shelter as well as the Homeless Service Administration Office.
27. Accept CAA Information, Staff and Committee Reports and place on file.

## REGULAR CALENDAR

### BOARD ACTION

#### PUBLIC WORKS

28. Adopt Resolution authorizing Public Works Director to file Transportation Enhancement Activities (TEA) Exchange Funds Claim for FY 2000/2001 to be used for minor rehabilitation projects on various County Roads.

**APPROVED AND ADOPTED RESOLUTION NO. 2001-73                      AYES: ALL**

29. Authorize Public Works Director to circulate a Request for Proposal for Professional Services for performing a Feasibility Study for Solid Waste Options in western Merced County and authorize negotiation of a contract with the most qualified firm provided the fee for services is within the established budget and concurrence of Counsel and directs a report come back to the Board with results of contract award.

**APPROVED AS RECOMMENDED                      AYES: ALL**

30. Approve Budget Transfer (#064) of \$9,000 from Parkland Dedication Fees collected in the Winton area and deposited in Trust Account No. 02497 to replace the 40HP submersible pump and motor for Winton County Park and for the purchase of approximately 100 new irrigation sprinkler heads. (4/5 Vote Required)

**APPROVED AS RECOMMENDED                      AYES: ALL**

- ~~31. Juvenile Justice Correctional Complex.~~

## HEALTH

32. Contract with Stanislaus County Child and Infant Care Association, Inc.-Migrant Head Start Program for Interagency Cooperation to assure access to health services for eligible children for the period of January 1, 2001 to December 31, 2001.

**APPROVED AND AUTHORIZED THE CHAIRMAN TO SIGN CONTRACT NO. 200179  
AYES: ALL**

DISTRICT ATTORNEY

33. Contract – Plan of Cooperation with District Attorney-Family Support and Merced County Superior Courts for eligibility of State Funding delineating the responsibilities in relation to the Child Support Enforcement Program under Title IV-D of the Social Security Act.  
**APPROVED AND AUTHORIZED THE CHAIRMAN TO SIGN CONTRACT NO. 200180**  
**AYES: ALL**

SHERIFF

34. Adopt Resolution establishing Policy for the Destruction of Certain Sheriff's Department Records, Documents and Papers pursuant to Sections 26202 and 26202.6 of the Government Code.  
**APPROVED AND ADOPTED RESOLUTION NO. 2001-74**                      **AYES: ALL**
35. Approve request to utilize Excess Funding in a Special Year End Encumbrance (AB 692386) for the purpose of purchasing safety and other equipment and approve the necessary budget transfer.  
**APPROVED AS RECOMMENDED**                      **AYES: ALL**
36. Contract with Calif. Dept. of Justice for placement of a Live Scan Device Machine to be located at the Correctional Facility.  
**APPROVED AND AUTHORIZED THE CHAIRMAN TO SIGN CONTRACT NO. 200181**  
**AYES: ALL**
37. Accept the Award of up to \$10,000 from the California Highway Patrol supporting the concepts and efforts in the Traffic Stop Demographic Data Collection Grant Program.  
**APPROVED AND AUTHORIZED THE CHAIRMAN TO SIGN CONTRACT NO. 200182**  
**AYES: ALL**

FIRE

38. Authorize utilization of Madera County Bid #98-19 to acquire two Fire Engines to include one four-wheel drive conversion kit and authorize General Services Director to execute lease/purchase contract for procurement subject to concurrent of Counsel.  
**APPROVED AS RECOMMENDED**                      **AYES: ALL**
39. Appoint Stan Craig as Acting Merced County Fire Chief pursuant to Government Code Section 24008 and as Acting Director of Merced County Office of Emergency Services pursuant to Ordinance No. 1567 pending permanent appointment to said position.  
**APPROVED AS RECOMMENDED**                      **AYES: ALL**

SPRING FAIR

40. Authorize establishment of a Non-Revolving Line of Credit with County Bank-Los Banos to provide payment to sellers of the Jr. Livestock Auction; funds to be repaid as payments are received from buyers and the loan will be for a maximum of \$550,000, will mature 9/10/01 and bear an interest rate set at prime which is currently 8% and have a loan cost of \$350 with interest to be donated back to the Fair after redemption and authorize the Auditor to issue the change fund for operation of the Fair and to sign appropriate loan documents.  
**APPROVED AND ADOPTED RESOLUTION NO. 2001-75**                      **AYES: ALL**

41. Contract Renewal with Speeda Sound, Inc. for Sound Services and Equipment for Spring Fair-Los Banos for period of May 2 – 6, 2001 in the amount of \$12,750.  
**APPROVED AND AUTHORIZED CHAIRMAN TO SIGN RENEWAL CONTRACT NO. 200075 AYES: ALL**

~~42. Authorize Interim Rental Contract with AMP Racing for Motocross Racing.~~

#### HUMAN SERVICES AGENCY

43. Authorize the Consortium IV (C-IV) Project Long Term Travel Policy and request the Auditor to establish a payroll code for the C-IV Project Long Term Travel Policy Allowance, authorize an Alternate Work Schedule for C-IV participants of three ten hour days and two five hour days and approve a one pay period advance.  
**APPROVED AS RECOMMENDED AYES: ALL**
44. Contract with Merced County Office of Education to provide vocational training and 192 hours of related paid work experience for up to 120 eligible youth ages 14 through 18 and authorize the Human Services Agency Director to sign subsequent amendments.  
**APPROVED AND AUTHORIZED THE CHAIRMAN TO SIGN CONTRACT NO. 200183 AYES: ALL**
45. Approve In Home Supportive Services (IHSS) Provider Wage Increase 7/1/2001 and authorize notification to Calif. Dept. of Social Services.  
**REVIEW BOARD ORDER – SEE PAGE 15**  
**APPROVED AS RECOMMENDED AYES: ALL**

#### MENTAL HEALTH

46. Authorize purchase of Fixed Assets for the CalWORKs Program for FY 2000/2001 and approve the purchase of one Notebook PC, seven Workstations and a Telephone System and approve necessary budget transfer.  
**APPROVED AS RECOMMENDED AYES: ALL**
47. Amendment to Contract No. 7199 with Community Social Model Advocates, Inc. to provide Women's and Men's Alcohol and Drug Residential Recovery Services changing the contract amount to \$789,771 for Fiscal Year 2000/2001 and approve the necessary budget transfer. (4/5 Vote Required)  
**APPROVED AS RECOMMENDED AYES: ALL**

#### TREASURER-TAX COLLECTOR

48. Authorize Resolution for the Board to grant authority to the Treasurer to participate and join the California Asset Management Trust Program.  
**APPROVED AND ADOPTED RESOLUTION NO. 2001-76 AYES: ALL**

#### ADMINISTRATION/PLANNING

49. Approve Request for Proposal and Award Contract to Zucker Systems for the Operational and Permitting Audit of the Merced County Planning and Community Development Department, said contract to commence 4/11/01 and end 7/11/01 and not to exceed \$48,950 and authorize CAO to sign subsequent amendments within the contract budget.



**APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200189**

**AYES: ALL**

**UC MERCED PROJECT**

50. Contracts with John Vollmar Consulting to conduct Surveys in Eastern Merced County for: Rare Plants, Winter and Breeding Birds and Seasonal Amphibians.

**APPROVED AND AUTHORIZED CHAIRMAN TO SIGN THE FOLLOWING SURVEY CONTRACTS: NO. 200175 FOR SEASONAL AMPHIBIANS, NO. 200176 FOR RARE PLANTS AND NO. 200177 FOR WINTER AND BREEDING BIRDS AYES: ALL**

**PROBATION**

51. Approve Multi-Agency Juvenile Justice Plan and the proposed programs (The COOL (Correcting Offender Outcomes Locally) Program, Dos Palos Unified School District and Probation Department Campus Resource Officer collaborative effort and Child Advocates of Merced County Mentors to Minors Program) authorizing submission to the State Board of Corrections for final approval; adopt Resolution as required by State pursuant to the Schiff-Cardenas Crime Prevention Act of 2000; add three Deputy Probation Officers, one Probation Assistant and authorize recruitment and selection for these positions to begin immediately; and authorize development of contracts with the Cities of Merced and Los Banos and Child Advocates of Merced County to provide services identified in the proposed programs with contracts to come back to the Board for final approval.

**APPROVED AND ADOPTED RESOLUTION NO. 2001-77 (Plan) and 2001-78 (Positions) AYES: ALL**

**ADMINISTRATION**

52. Establish classification of Retirement Plan Administrator, Range 77.0 and add said position to Retirement-Budget Unit 19200 and adopt Resolution.

**REVIEW BOARD ORDER – SEE PAGE 15**

**APPROVED AND ADOPTED RESOLUTION NO. 2001-79 AYES: ALL**

**BOARD OF SUPERVISORS**

- 52a. Letter of support for Merced River Restoration Project Application for CALFED Funding.

**REVIEW BOARD ORDER – SEE PAGE 15 and 16**

**AUTHORIZED LETTER OF SUPPORT FOR MERCED RIVER EDUCATION ENDEAVORS**

**AYES: ALL**

**APPOINTMENTS**

53. Board of Supervisors re: Committees/Commissions and Board Recommendations.

**BOARD INFORMATION AND POSSIBLE ACTION**

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

54. Goodwill Industries of San Joaquin Valley, Inc. re: Invitation to attend Reception – introduction to plans for growth and strengthen southern region and providing job training and placement programs.

55. Children-In-Crisis Programs re: Program announcement of approval and receipt of non-profit status from Internal Revenue Service.
56. Community Action Agency re: Notification of Pancake Breakfast to be held on May 6<sup>th</sup>, 2001.
57. California Technology, Trade and Commerce Agency re: Announcement that application submitted will be awarded funding by the California Technology, Trade and Commerce Agency in the amount of \$150,000 to develop communication systems infrastructure at the former Castle Air Force Base.
58. Yosemite Area Regional Transportation System re: Letter to U.S. Dept. of Interior Secretary.
59. Western Water Company re: Petition before the State Water Resources Control Board for Temporary Change of Point and Diversion, Place of Use and Purpose of Use of Water under a Pre-existing Water Right of Way by Reclamation District 108 and Western Water Company, by Sutter Mutual Water Company and Western Water Company and by Natomas Central Mutual Water Company and Western Water Company.
60. Senator Wesley Chesbro re: Introduction of SB 844, the 2002 School Facilities Bond Act.
61. Calif. State University-Fresno re: Proceedings of the first annual San Joaquin Valley Summit to Address the Aging Boom held on September 8, 2000. (On file with Clerk)
62. Citizens Against Lawsuit Abuse re: Invitation to join in the promotion of public awareness of the importance of serving on a jury when called upon and request for proclamation declaring May 13 – 20, 2001 as Juror Appreciation Week.
63. State Dept. of Parks and Recreation re: 2000 Parks Bond Act Program Status.
64. Central Valley Regional Water Quality Control Board re: Meeting Notice-April 27, 2001.
65. California High-Speed Rail Authority re: Notice of rescheduled board meeting and scoping meeting for the EIR/EIS process.
66. California Workforce Investment Board re: Meeting Notice for April 24, 2001.
67. Calif. Dept. of Child Support Services re: Job Search Orders for Non-Custodial Parents by receiving Calworks Benefits.
68. Sacramento County re: Criminal Justice Cabinet – Annual Report 2000.
69. Calif. State Board of Equalization re: San Bernardino County Supplemental Assessment Practices Survey. (On file with Clerk)
70. Merced Union High School District re: Intent to offer for sale 4.7 acres of vacant land on the southeast corner of Childs Avenue and Canal Street in the City of Merced.

**ADJOURNED MEETING UNTIL TUESDAY, MAY 1, 2001 AT 10:00 A.M.**

**BOARD ORDERS - SUMMARY ACTION MINUTES – APRIL 24, 2001**

**10:00 A.M. SCHEDULED ITEM**  
**2001-04-24 BOARD OF SUPERVISORS**

The Board of Supervisors presents Certificates of Recognition honoring individuals and groups who provide community services, have made significant contributions and enhanced the quality of the community of Merced County on behalf of the Merced County 2<sup>nd</sup> Annual Volunteer Recognition Program as follows:

Sheri Gordon (Community Law Enforcement “CLEO”); William E. Garrison (Atwater Police Service Volunteer); Don Boehm (Youth Accountability Board and Parent Accountability Board); Al Mueller (Youth Accountability Board); Mark C. Perez, Jr. (Franklin Library); Jolene McCabe (Merced County Sheriff Exploring Division); Jacque MacDonald (Victim’s Voice) and Dot Dame (Community Law Enforcement (CLEO)).

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

**CONSENT ITEM NO. 21**  
**2001-04-24 BOARD RECOGNITION**

Upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried, the Board authorizes Certificates of Recognition to the following individuals for their 2001 Winton Explorer Post #322 Promotions:

Cha Xiong and Toua Xiong – promoted to rank of Lieutenant; Yer Vang, Leng Vang, and Thai Xiong – promoted to rank of Sergeant; Ying Xiong, Sai Vang, Kristina Tripp, Don Xiong, Charlie Xiong and Beng Lee – promoted to rank of Corporal.

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

**10:30 A.M. SCHEDULED ITEM**  
**2001-04-24 PLANNING – Public Hearing**

The time and date previously set for a public hearing to consider an Appeal of Modification No. 99006, Conditional Use Permit Application No. 3346 submitted by Sierra Club including Tehipite Chapter, Merced Group and Members. Said proposal is to modify the permit to bring the dairy into compliance with county, state and federal regulations or to consider revocation of the permit on property located on the northwest corner of Sunset Avenue and Creek Road in the Los Banos area. The applicant is Evaristo Vaz.

Planner Robert King reviews the Staff Report stating the permit is being considered for modification and possible revocations due to ongoing cleanup and abatement issues and non-compliance with previous required conditions of approval.

Supervisor O’Banion leaves the Chambers at 10:57 a.m.

The Board discusses the percolation and groundwater contamination.

Environmental Health Division Director Jeff Palsgaard advises there are three existing monitoring wells located on the property and there will be the requirement of future soil monitoring to mitigate contamination.

Supervisor O'Banion returns to the Chamber at 11:01 a.m.

Following discussion on the conditions recommended by the Planning Commission, Acting Planning Director Bill Nicholson clarifies a clerical error in Condition No. 13 on Page 9, changing the word "constructed" to "conducted".

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

Marsh Pitman, Merced Group of the Tehipite Chapter-Sierra Club, submits and reviews a Letter addressing contamination of groundwater by the Vaz Dairy and similar dairies and the County's unwillingness to enter into an agreement and compromise with the Sierra Club.

Deputy County Counsel Dennis Floyd clarifies the County's position stating a meeting was held with Senior Attorney for Sierra Club Mr. Gallagher.

Brent Newell, Attorney for the Center For Race, Poverty and the Environment, briefly summarizes the violations by the Vaz Dairy and states the history of non-compliance with the law should bring revocation.

Supervisor Kelsey leaves the Chambers at 11:20 a.m. and returns at 11:25 a.m.

The Chairman states the issue before the Board today is to modify the permit to bring the dairy into compliance or to consider revocation of the permit.

Attorney Bill Gnass representing the Applicant states the Applicant is now in compliance with the Planning Commission Conditions and is willing to rectify all areas of non-compliance and reviews the procedures the applicant has put into place to rectify.

Environmental Health Division Director Jeff Palsgaard states the modification to the conditional use was requested by the Environmental Health Division so as to bring the project into compliance or to initiate revocation for non-compliance. The applicant and Environmental Health have reached an accord that become the basis for the revised conditions of approval acted upon by the Planning Commission. These conditions do not expand the dairy or allow any new development of the site but rather specify the actions necessary for the applicant to take, along with set timelines, in order to rectify violations and bring the project into compliance. The intent is to bring the project into compliance with specified timelines or use failure to comply as grounds for revocation.

Larry Howard, Engineer of JM Lord, Inc., states he has been retained by Mr. Vaz to insure that the conditions and compliances specified are completed. He reviews the documents and plans that will be required to complete evaluations and reporting requirements.

Bob Peterson, neighbor to Vaz Dairy, states they never had problems like this until the Vaz Dairy moved in next door and their well became contaminated so they are having to build a new well.

Supervisor Kelsey expresses concern that the dairy has been unable to meet the requirements placed on its operation and states if the applicant is not able to comply in the two to four months required, it is my intent to not support this operation.

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board affirms the use of a previous Negative Declaration for this action as per Section 15162 of the CEQA; approves Modification No. 99006 to Conditional Use Permit Application No. 3346 and denies the Appeal and upholds the decision of the Planning Commission subject to the following conditions:

1. The Modification to Conditional Use Permit No. 3346 is granted only to legalize an existing dairy expansion to 1,342 animal units subject to State and County Environmental Health Division approval and that there is written approval for 1342 Animal Units. These uses shall be located, developed and operated in a manner as described on the approval plot plan, and submitted operational statements, subject to the conditions on this permit modification. Minor modifications may be approved by the Planning Director.
2. The applicant shall comply with all applicable regulations administered by the County. These regulations shall include, but not be limited to, standards administered by the County Fire, Health, Public Works and Planning Departments.
3. The Dairy shall be limited to a maximum of 1,342 animal units, subject to prior Regional Water Quality Control Board approval and consistent with the comprehensive Nutrient Management Plan as approved by the Division of Environmental Health. The dairy shall implement and comply with the Comprehensive Nutrient Management Plan as approved by the Division of Environmental Health. No increases in animal units (1,342) shall occur in excess of the approved plan.
4. The project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
5. The existing wastewater holding reservoir shall be limited to a total capacity of 5.82 million gallons. Any future expansions or new reservoir construction shall be subject to all County, State and Federal regulations in effect at the time of the proposal.
6. Well monitoring test results shall be submitted as required by the Environmental Health Division and reported to the Planning Commission annually. Conditions of approval for this permit may be modified or added depending on the conclusions of the report.
7. A new domestic well shall be drilled and installed on the Silveria property, which shall be paid for by the operator of the dairy. This shall include removing the pump from the old domestic well completion of all plumbing and electrical connections for the new well and destroying the old well within 30 days of approval by the Planning Commission of the revised Conditional Use Permit. The quality of drinking water must be the highest quality available and must not exceed 45 mg/l for nitrates and 500 mg/l for total dissolved solids. Instead of closing the old well, to leave it in place for the City of Los Banos to monitor groundwater.
8. Submit all required WDR reports, continue groundwater quality monitoring as required by WDR Monitoring and Reporting Program No. 92-098 or its revisions, comply with Cleanup

and Abatement Order No. 99-701, and comply with Subchapter 2, Chapter 7, Division 2 of Title 27 of the California Code of Regulations and any other orders or revisions by the State Regional Water Quality Control Board.

9. Comply with the requirements of the Central California Irrigation District.
10. A soil monitoring program shall be submitted to the Division of Environmental Health for approval and implemented for monitoring nitrogen levels in the soil in the crop application areas. This plan must be submitted within 30 days of approval by the Planning Commission of the revised Conditional Use Permit and be implemented within 60 days of the Planning Commission approval of the conditional use permit.
11. A waste monitoring program shall be submitted to the Division of Environmental Health for approval and implemented which will include the following: 1) Lagoon water shall be sampled at least 3 times during the year for nitrogen compounds and total dissolved solids, 2) Dry manure shall be sampled at least twice per year for nitrogen compounds and total dissolved solids. This plan must be submitted within 30 days of approval by the Planning Commission of the revised conditional use permit and be implemented within 60 days of the Planning Commission approval of this modification to the Conditional Use Permit.
12. An annual report shall be submitted, in a form provided in the nutrient management plan, to the Division of Environmental Health by February 1 of each year that included the following: all soil, waste groundwater analysis, number of animals on-site, crops grown on site, nitrogen application rates, amount of dry waste removed from the site and the destination from the previous year.
13. Additional evaluation of the retention pond shall be conducted by the operator with oversight by County and State to determine if the retention pond is degrading groundwater quality and/or is meeting County/State requirements. The operator shall submit a plan for the evaluation for approval by the County/State within 30 days of approval by the Planning Commission of the revised Conditional Use Permit and complete the evaluation within 60 days of approval. If the retention pond is determined to be in a state of non-compliance by the County/State, the operator shall bring the retention pond into compliance within 60 days.
14. The Division of Environmental Health shall submit an annual monitoring report by March 1 of each year to the Planning Commission.
15. The Division of Environmental Health shall conduct monthly inspections of the facility and application areas. An annual fee of \$840.00 is due within 30 days of approval of the revised conditional use permit and by January 1 of each year thereafter. The Environmental Health Division may reduce the annual fee if consistent compliance to applicable rules and regulations is observed.
16. For the purpose of condition monitoring, an annual inspection fee in the amount of \$150.00 for two semi-annual inspections by the Planning Department shall be required. This fee shall be paid within 30 days of approval of this modification to the Conditional Use Permit and by January 1 of each year thereafter. The Planning Department may reduce the annual fee if consistent compliance to applicable rules and regulations is observed.

17. The Conditional Use Permit shall be reviewed again by the Planning Commission for compliance within 6 months from the approval date of this modification to the use permit where the application may be continued, revised or revoked as satisfactory and continued compliance with these conditions of approval necessitate. Application to be brought back in 4 months and receive staff report in 2 months. The applicant must be in compliance within 4 months.

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

**ACTION ITEM NO. 45**

**2001-04-27 HUMAN SERVICES AGENCY**

Upon motion of Supervisor Crookham, seconded by Supervisor Rivero, duly carried, the Board approves In Home Supportive Services (IHSS) Provider Wage Increase 7/1/2001 and authorizes notification to the Calif. Department of Social Services.

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

Pat Correria, United Domestic Workers representing the IHSS workers in Merced County, appears before the Board and thanks Merced County for moving forward and helping the workers.

Consultant for Human Services Agency Grover Omyer states the Advisory Board will be coming to the Board for approval sometime next month.

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

**ACTION ITEM NO. 52**

**2001-04-27 ADMINISTRATION / RETIREMENT**

Supervisor Crookham moves, seconded by Supervisor Kelsey, the Board establish the classification of Retirement Plan Administrator, Range 77.0; approve the class specification; allocate one Retirement Plan Administrator position to Retirement, BU 19200 and adopt Resolution No. 2001-79.

Tax Collector/Treasurer Bill Smith states this item was previously pulled from the Agenda to strengthen the requirements and submits the modifications.

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

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

**ACTION ITEM NO. 52a**

**2001-04-27 BOARD OF SUPERVISORS**

Supervisor Kelsey expresses concern on the documentation submitted requesting a Letter of support on the Merced River Education Initiative stating this is an issue that is in her district and she requests the opportunity to review the material. She requests the matter be deferred over until later in the meeting.

Chris Robinson, Robinson Cattle Company, appears before the Board stating there is a CALFED Application deadline this week in which the Merced River Stakeholder Group is submitting an Application and requests a Resolution in support from the Board of Supervisors.

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Later in the day, Supervisor Kelsey moves, seconded by Supervisor Crookham, the Board authorizes a Letter of Support for the Merced River Education Initiative K-12 Education School Curriculum and Community Outreach Program being submitted for CALFED funding.

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

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