



MERCED COUNTY
BOARD OF SUPERVISORS

SUMMARY ACTION MINUTES

Regular Meeting
TUESDAY, MAY 15, 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 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 Airport - Building 1582

Negotiating Parties: USA Hazmat Response, Inc.

Property/Reference: Castle Airport-Multiple Buildings

Negotiating Parties: USAF

Property Reference: Castle Airport-Multiple Buildings

Negotiating Parties: State of California

Property Reference: Castle Airport - Building 728

Negotiating Parties: Mike and Susan Burrows

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

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 10:00 A.M. AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF

10:00 A. M.

PLEDGE OF ALLEGIANCE

Volta Elementary School

Presentation – In Recognition of Ranking Number One in Merced County in 1999-2000 Aptitude Performance Index Growth and Ranking 14th in the State of California

INVOCATION

Pastor Del Hixson, Atwater Baptist Church

PRESENTATION OF AWARD - Presented to Carey Smith in acknowledgment of Courageous Act of Heroism and Bravery on September 25, 2000

PROCLAMATION – Presented to Superior Court Administrator-Jury Commissioner Lee Haugen in recognition of Juror Appreciation Week

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: John Derby

UC MERCED PROJECT - Liaison Report

RECEIVED REPORT FROM LIAISON REPRESENTATIVE KATHLEEN CROOKHAM

BUDGET TRANSFERS FROM REVENUE (4/5 Vote Required)

Management Services (Self-Insurance Pool)-\$60,000; District Attorney/ Family Support-\$52,500 and Health (Indigent Health Care Program)-\$355,750

APPROVED AS RECOMMENDED AYES: ALL

10:00 A. M.

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 – 31)
APPROVED AS RECOMMENDED PULLING CONSENT ITEM NO. 15 FOR
SEPARATE CONSIDERATION AYES: ALL
CONSENT NO. 15 – APPROVED AS RECOMMENDED AYES: ALL

MINUTES SUBMITTED FOR APPROVAL: APRIL 10 AND 24, 2001
APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:30 A. M.

PLANNING – PUBLIC HEARING – INTENDED DECISION
General Plan Amendment No. 99004 and Zone Change No. 99004 – Jose Ramirez

To change the General Plan designation of a 1.6 acre parcel from Winton Specific Urban Development Plan (SUDP) Industrial to Winton SUDP Commercial along with change the zoning from M-1 (Light Manufacturing) to C-2 (General Commercial) on property located on the east side of Winton Way and 143 feet south of Santa Fe Drive in the Winton area

REVIEW BOARD ORDER – SEE PAGE 13

WENT ON RECORD OF INTENT TO APPROVE RECOMMENDATION
AYES: ALL

UC MERCED OFFICE – PUBLIC HEARING

To consider Planning Agreement to prepare a Natural Communities Conservation Plan (NCCP) and Habitat Conservation Plan (HCP) in Eastern Merced County

REVIEW BOARD ORDER – SEE PAGE 14 AND 15

CONTINUED PUBLIC HEARING TO MAY 22, 2001 AT 10:30 A.M.

REPORTS/BOARD DIRECTION

County Administrator
County Counsel
County Auditor
Board of Supervisors Members

LUNCH BREAK

CONSENT CALENDAR (Items #1 – 31)
APPROVED AS RECOMMENDED AYES: ALL

Budget Transfers

1. Approve Budget Transfers submitted by Assessor-\$1,130; District Attorney/Family Support-\$22,500, \$4,500, and \$9,000; Human Services Agency-\$4,000; Probation-\$88,875; Public Works (#067)-\$1,300 and (#070)-\$40,000 and Tax Collector-\$7,000 as recommended by Administration.

Travel Requests

2. Approve Travel Request submitted by Marshal as recommended by Administration.

Public Works

3. Waive restriction on the use of amplified sound equipment during the Wanderers Car and Truck Show and Barbecue at Lake Yosemite Veterans Cove on May 20, 2001 from 10:00 a.m. – 3:00 p.m.
4. Adopt Resolution forming the San Luis Hills Street Lighting and Drainage Maintenance Zone of Benefit No. 413 in County Service Area Number One.
ADOPTED RESOLUTION NO. 2001-85
5. Adopt Resolution accepting Grant Deed for street purposes from Donn/Judy Campion and accept Final Map for San Luis Hills Subdivision located in the Santa Nella area.
ADOPTED RESOLUTION NO. 2001-86
- ~~6. Accept Final Map for Harmony Ranch II Unit 1 Subdivision.~~
7. Adopt Resolution authorizing the Public Works Director to sign Regional Surface Transportation Program (RSTP) Exchange Fund Apportionments Claim for Fiscal Year 2000/2001 and submit said Claim to MCAG for processing.
ADOPTED RESOLUTION NO. 2001-87
8. Approve and authorize Chairman to sign Amendment to Contract No. 2000186 with On Target Marketing for extension of Transit Advertising Contract for on-going advertising and promotion of "The Bus"- Merced County Transit for the period of July 1, 2001 through June 30, 2002.

Probation

9. Approve and authorize Chairman to sign Renewal Contract No. 8529 with Sheriff Department for contracting meals for minors incarcerated at the Juvenile Hall in the amount of \$1.87 per meal for Fiscal Year 2001/2002.

District Attorney

10. Adopt Resolution authorizing the District Attorney to accept continuation of the Grant Funds from Office of Criminal Justice Planning for the extension of the Rural Crime Prevention Grant Program.
APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001104 AND ADOPTED RESOLUTION NO. 2001-88
11. Approve and authorize Chairman to sign Amendment to Contract No. 2000166 with Mariposa County Sheriff Department extending the contract until June 30, 2002 for the refrigeration and space for Autopsies of the Deceased.
12. Approve and authorize Chairman to sign Renewal Contract with Merced County Jail Ministry Program for special services to inmates housed in the correctional facilities to be offset by the Sheriff Inmate Welfare Fund for Fiscal Year 2001/2002.
APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 10235

12a. Adopt Resolution authorizing the District Attorney to submit a Grant Application to Office of Criminal Justice Planning for participation in the Statutory Rape Vertical Prosecution (SRVP) Program.

APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 9569 AND ADOPTED RESOLUTION NO. 2001-89

Human Services Agency

13. Approve and authorize Chairman to sign Renewal Contract No. 2000126 with Private Industry Training Department for Summer Youth Opportunity Program in the amount of \$409,853 for the period of May 14, 2001 through March 31, 2002 and authorize Human Services Agency and Private Industry Training Directors to sign subsequent amendments within Contract budget.

Mental Health

14. Approve and authorize Chairman to sign Renewal Contract No. 9341 with Los Banos Drug Company for provision of services to consumers of Merced County Mental Health in the maximum amount of \$75,000 for Fiscal Year 2001/2002.

15. Approve and authorize Chairman to sign the following Amendments to Contracts to include the "One Hour Rule" for a face to face evaluation by a qualified physician within one hour of when a patient is placed in restraints or seclusion: No. 7852-Maria Daisy Illano, M.D., No. 9279-Laura Georgina Valdovinos, M.D., M.P.H. and No. 10234-Isabel Sarinas-Manuel, M.D.

REVIEW BOARD ORDER – SEE PAGE 13

16. Approve and authorize Chairman to sign Renewal Contract No. 9854 with Joseph Melton, MFT for provision of services as Certification Review Officer for consumers of Merced County in the maximum amount of \$25,000 for the period of July 1, 2001 to June 30, 2002.

17. Approve and authorize Chairman to sign Renewal Contract No. 5147 with San Joaquin County Mental Health for provision of residential treatment for severely emotionally disturbed minors in the maximum amount of \$300,000 for Fiscal Year 2001/2002.

18. Approve and authorize Chairman to sign Renewal Contract No. 8965 with Probation for on-site probation services at Mental Health for those youth and families who are concurrently being served by Probation and Mental Health in the amount of \$145,834 for three full time Probation Officers for Fiscal Year 2001/2002.

19. Approve and authorize Chairman to sign Renewal Contract No. 9342 with Bertelli's Drug for provision of pharmacy services in the maximum amount of \$15,000 for Fiscal Year 2001/2002.

20. Approve and authorize Chairman to sign Renewal Contract No. 9476 with Delhi Drugs for provision of pharmacy services in the maximum amount of \$19,000 for Fiscal Year 2001/2002.

21. Approve and authorize Chairman to sign Renewal Contract No. 8548 with Human Services Agency for Mail Delivery Services in an amount not to exceed \$11,000 for Fiscal Year 2001/2002.

22. Approve and authorize Chairman to sign Renewal Contract No. 2000207 with Merced Drug for provision of pharmacy services to consumers for a maximum amount of \$60,000 for Fiscal Year 2001/2002.
23. Approve and authorize Chairman to sign Renewal Contract No. 9122 with Staff Care for provision of temporary locum tenens psychiatrists coverage for a maximum amount of \$100,000 for Fiscal Year 2001/2002.
24. Approve and authorize Chairman to sign Renewal Contract No. 9604 with Madera/Kings View Corporation for Short Term Acute Psychiatric Hospitalization for Fiscal Year 2001/2002.
25. Approve and authorize Chairman to sign Renewal Contract No. 9605 with Mariposa/Kings View Corporation for Short Term Acute Psychiatric Hospitalization for Fiscal Year 2001/2002.
26. Approve and authorize Chairman to sign Amendment to Contract No. 99156 with Phil A. Phillips, M.S.W. for professional services for Patient's Right Advocacy Program.

Assessor

- 26a. Authorize extension of Overhire of an Assessment Clerk I/II for a Limited Term for a period of not more than six months.

Board Recognition

27. Authorize Certificate of Recognition to Judy Burnette for her dedicated services to the community of Hilmar.
28. Authorize Certificates of Recognition to the following selected as Officer(s) of the Year: Officer Elias Reyes-Los Banos Police, Officer John Valanti-Atwater Police, Officer Steve Smith-Merced Police, Officer Jim Hamera-Gustine Police, Officer Robert C. Howard-Dos Palos Police, Officer Robert Lindgren-CHP, Officer William K. Taglio, Los Banos-CHP, Deputy Jorge Perez-Marshal Office, Officer Phia Xiong-Marshal Office, Commanding Officer John Watters-Sheriff's/Corrections Division and recognizes Livingston Police Department as the Law Enforcement Agency of the Year.
29. Authorize Certificate of Recognition to Dennis Morais for being selected as Hilmar Citizen of the Year 2001.
30. Authorize Certificates of Recognition to the individuals selected as 2001 Congressman Condit Volunteer of the Year Awards.
REVIEW BOARD ORDER – SEE PAGE 13
31. Authorize Certificate of Welcome to the National Park Foundation on May 3, 2001.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

32. Authorize Bid Opening for Construction of an Asphalt Concrete Overlay of Applegate Road and Turner Road on June 14, 2001 at 3:00 p.m., authorize Public Works Director to award

and sign contract to lowest responsible bidder within established budget with a report back to the Board of the bid results.

APPROVED AS RECOMMENDED AYES: ALL

33. Accept San Joaquin Valley Unified Air Pollution Control District Grant for Light Duty Vehicle Rebate of \$2,000 each and authorize Chairman to sign Contract to purchase two Super Ultra Low Emission Vehicles as part of the Merced County Fleet Vehicle Buy for the 2001-2002 Fiscal Year.

APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200192

AYES: ALL

34. Juvenile Justice Correctional Complex (JJCC) – Notification of pending Phase II Grant Award, Authority to revise Phase I Construction Documents and authority to proceed with Phase II Construction Documents and approve necessary budget transfer (#073).

REVIEW BOARD ORDER – SEE PAGE 15

APPROVED AS RECOMMENDED AYES: ALL

PUBLIC WORKS-CASTLE

35. Castle Airport Sublease Agreement #01-02 for Building 1327 between Merced County and Dobson, Cellular One.

APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO 200194

AYES: ALL

36. Castle Airport Preconsent to Conditional Assignment of Lease and Consent Agreement between Castle Knights Aviation, Inc. dba Gemini Flight Support and Valley Oil Company, LLC.

APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200195

AYES: ALL

BUSINESS-ECONOMIC OPPORTUNITIES

37. Authorize the withdrawal of February 27, 2001 RFP to select an Architect/Engineering firm to design the telecommunications infrastructure at Castle; authorize the withdrawal of the RFP Contract Award to Golden State Utility Company (Phase I) and authorize the immediate release of an RFP to design and construct the telecommunications systems at Castle with the award of a contract for this RFP to be made by future Board action.

APPROVED AS RECOMMENDED AYES: ALL

DISTRICT ATTORNEY

38. Authorize negotiations for Family Support additional office space to accommodate "Fair Hearing" processing, Paternity Testing, expanding Training Unit and meeting space needs and authorize the signing of a Letter of Intent to Lease to return to the Board for approval of the final negotiated lease.

APPROVED AS RECOMMENDED AYES: ALL

39. Contract with California Highway Patrol for transfer of title of the Anti-Drug Task Force vehicle, a 1998 Ford Contour.
APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200196
AYES: ALL

SPRING FAIR

40. Contract with A.M.P. Racing for Motocross Racing for 2001 Interim Event at the Spring Fair-Los Banos for period of May through September, 2001 in the amount of \$700 per event plus 15% of concession sales.
APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200197
AYES: ALL

SHERIFF

41. Contract with Mental Health to provide meals at the Marie Green Psychiatric Center in the amount of \$3.74 per meal for Fiscal Year 2001/2002.
APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200198
AYES: ALL
42. Authorize competitive bids for thirteen "Super Hawk NT" Buoyancy Compensators and that current departmental "Classic Black" compensators be allowed to be turned in to the company awarded the contract to assist in offsetting the total cost of the action.
APPROVED AS RECOMMENDED **AYES: ALL**
43. Award of RFP #5699 – In Car Video Systems and Accessories to Mobile Vision, Inc. as successful bidder for eight systems and authorize a Purchase Contract for procurement.
APPROVED AND AUTHORIZED DIRECTOR OF GENERAL SERVICES TO SIGN CONTRACT NO. 10347 **AYES: ALL**
44. Authorize Application with U.S. Dept. of Justice-Office of Community Oriented Policing Services (COPS) in the amount of \$500,000 to combat, disrupt and defuse methamphetamine manufacture, production and distribution in Merced County under HB H11165 requesting two additional Deputy Sheriff I/II positions, one patrol car and operation/maintenance services and safety equipment and authorize the County Administrative Officer to sign certification for the Methamphetamine Initiative Grand Program complying with the National Environmental Policy Act.
APPROVED AS RECOMMENDED **AYES: ALL**
45. Approve amended class specifications changing the minimum qualifications for Commander-Corrections and Commander-Operations in the Sheriff Department.
APPROVED AS RECOMMENDED **AYES: ALL**

PLANNING

46. Amendment to Contract No. 200015 with Environmental Science Associates for Consultant Services for Environmental Review of the Woolstenhulme Ranch Mine Application and approve the necessary budget transfer.
APPROVED AS RECOMMENDED **AYES: 1, 2, 3, 5** **ABSTAINS: 4**

47. Amendment to Contract No. 99240 with Resource Design Technology for an increase in Consultant Services related to the Mineral Land Classification General Plan Amendment in the total amount \$88,000 and approve necessary budget transfer.
APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

48. Amendment to Contract No. 8051 with Merced Manor for skilled nursing services for consumers for a maximum amount of \$445,000 for Fiscal Year 2000/2001 and approve the necessary budget transfer.
APPROVED AS RECOMMENDED AYES: ALL

49. Contract with A Woman's Place of Merced County for provision of Counseling Services to Domestic Violence CalWORKs recipients for Fiscal Year 2000/2001 and approve the necessary budget transfer.
APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001100
AYES: ALL

- 49a. Adopt Resolution approving the Implementation Plan for the Substance Abuse and Crime Prevention Act of 2000.
APPROVED AND ADOPTED RESOLUTION NO. 2001-90 AYES: ALL

- 49b. Authorize Contract with Probation to provide home visit services and enforce warrants for the Drug Treatment Court clients in the amount of \$35,814 for Fiscal Year 2001/2002 and add three Deputy Probation Officer II positions, Range 58.9 and adopt Resolution.
APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001101 AND
ADOPTED RESOLUTION NO. 2001-91 AYES: ALL

AGRICULTURAL COMMISSIONER

50. Approve request to hold Fundraising Event on June 29, 2001 for the benefit of Merced County Animal Control and Shelter sponsored by Wine and Dine for Canines and Felines Volunteer Group, waive the rental fee for the Fish and Game Building as supported by Public Works, approve use of donated benefit funds as jointed determined by Volunteer Group and Animal Control Director to be deposited in a Trust Account and authorize development of RFP to solicit bids for design and construction of an Isolation Building once donations are received.
APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

51. Authorize release of Request for Proposals for Food Stamp Issuance, solicit and select potential vendors and negotiate preparation of agreements for Board approval.
APPROVED AS RECOMMENDED AYES: ALL

52. Contract with Private Industry Training Department for One-Stop Center office space with Human Services Agency at the Livingston Outstation Facility in the amount of \$92,532 for the period of September 1, 2000 through June 30, 2002 and authorize Directors of the Human Services Agency and Private Industry Training Department to sign subsequent amendments within the agreement budgets.

APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 99245

AYES: ALL

53. Contract (Memorandum of Understanding) between the California Statewide Automation System Consortium IV (C-IV) implementing the welfare and employment services automation project in collaboration with Merced, Riverside, San Bernardino and Stanislaus.

APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001102

AYES: ALL

PRIVATE INDUSTRY TRAINING DEPARTMENT

54. Contract with California Dept. of Rehabilitation for operation of One Stop Delivery System in the local area and authorize signing of Memorandum of Understanding.

APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001103

AYES: ALL

55. Authorize Request for Proposal to solicit proposals for a Marketing Consultant to develop a name and logo with accompanying stationery for Merced County Workforce Investment Board in an amount not to exceed \$8,000 and to return to the Board for final approval.

APPROVED AS RECOMMENDED AYES: ALL

56. Resolution authorizing PITD Director to sign Local Welfare-to-Work Plan adjustment on behalf of the Board and Chairman of the Workforce Investment Board on behalf of the WIB understanding the approval is contingent upon subsequent ratification of the Plan by both the Workforce Investment Board and the Board of Supervisors.

APPROVED AND ADOPTED RESOLUTION NO. 2001-92 AYES: ALL

ADMINISTRATION

57. Probation organizational changes to address completion of the new Juvenile Justice Complex and more efficient management of other programs: (1) Establish the classification of Probation Program Manager, Range 67.7 and allocate said position to BU 23300; (2) add one Supervising Probation Officer, Range 65.3 to BU 23400; (3) delete one vacant Deputy Probation Officer I/II/III, Range 56.9/58.9/61.9 to BU 23402; (4) add two Deputy Probation Officer I/II/III, to BU 23400; (5) delete two vacant Court Services Officer, Range 57.9 to BU 23400; (6) approve the recommended salary range changes for Probation Division Director, Range 68.5 to 69.7 and Probation Administrative Division Director, Range 68.5 to 69.7 effective Pay Period 11 (5/12/01) (7) and adopt the appropriate resolutions.

APPROVED AND ADOPTED RESOLUTION NO. 2001-93 AYES: ALL

- 57a. Appoint Andrea Baker as Director of Private Industry Training Department effective May 21, 2001, Pay Period 11 at the Fifth Step of Range 77 and authorize Chair to sign "Acknowledgment Letter of Employment Status".

APPROVED AS RECOMMENDED AYES: ALL

APPOINTMENTS

58. Board of Supervisors re: Committees/Commissions and Board Recommendations.
Retirement Board

**REAPPOINTED KATHLEEN CROOKHAM TO SERVE AS A MEMBER OF THE
RETIREMENT BOARD UNTIL JULY 1, 2004 AYES: ALL**

Local Agency Formation Commission (LAFCO)

TOOK NO ACTION

BOARD INFORMATION AND POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

59. Human Services Agency re: Report of Persons Receiving Public Assistance for January 2001.
- 59a. Administration re: Notice of Scheduled Meetings for the Redistricting Project.
60. Senator Wesley Chesbro re: SB 599, require health care service plan contracts, disability insurance policies and self-insured employee welfare benefit plans to provide coverage for the treatment of alcohol and drug abuse.
61. California Energy Commission re: Notice of Availability – Low-Interest Loans for Energy Efficient Projects. (Application available at <http://www.energy.ca.gov/peakload/>).
62. Pacific Gas and Electric Company re: Notice of an Application for a Certificate of Public Convenience and Necessity for Pacific Gas and Electric Company's (PG&E) Los Banos-Gates 500 KV Transmission Project.
63. Union Pacific Railroad Company re: Notice of filing with Surface Transportation Board a Petition for Exemption seeking authority to abandon or discontinue operations over the Los Banos Branch from milepost 140.07 to the end at milepost 141.17 in Los Banos, a distance of 1.10 miles in Merced County, California. (On file with Clerk)
64. State Wildlife Conservation Board re: Consideration of acquisition of a conservation easement over 3,931+/- acres of wildlife habitat located within Merced and Mariposa Counties (East Merced Vernal Pools Grasslands Preserve) and identified as APN's 053-190-010, 053-200-007 & 006, 053-210-001, 002, 003 & 004 and 053-230-002, 003 & 004.
65. State Wildlife Conservation Board re: Consideration of acquisition of a conservation easement over 3,595+/- acres of wildlife habitat located within Merced County (East Merced Vernal Pool Grasslands Preserve, Exp. 1) and identified as APN's 043-100-015 & 016 and 052-240-001, 002 & 011.
66. State Water Resources Control Board re: Notice of Public Hearing – Proposed State Fiscal Year (SFY) 2001/02 State Revolving Fund (SRF) Loan Program Priority List set for June 6, 2001 at 9:00 a.m. (On file with Clerk)
67. State Dept. of Child Support Services re: Innovative ideas identified through recent review of local child support agency (LCSA) customer service plans and report entitled "Delivering Effective Customer Service". (On file with Clerk)

68. State Wildlife Conservation Board re: Notice of Meeting set for May 18, 2001.
Item 9.-Wetland Habitat Restoration, South Grasslands \$19,000 (Britto Land Co. E.T.N., Inc. and Riverfield Cattle Co.), Merced County; Item 36.-Wetland Habitat Restoration, East Grasslands (Duck Slough) \$324,000 (Merced County); Item 37.-Wetland Habitat Restoration, North Grasslands Wildlife Area \$242,000 Gadwall Unit, Merced County and Item 42.-East Merced Vernal Pool Grasslands Preserve and Expansion 1 \$4,379,700 (Merced and Mariposa Counties)
69. State Board of Equalization re: Revision of Local Roll Rules – Property Tax Rules 252, 253, 254, 256, 261, 262 and 304 and Proposed New Rules 255, 263, 264 and 265. (On file with Clerk)
70. State Board of Equalization re: Report on 2000 State Assessee Appeal Decisions. (On file with Clerk)
71. State Board of Equalization re: Riverside County - Supplemental Assessment Practices Survey. (On file with Clerk)
72. State Board of Equalization re: San Mateo County – Assessment Practices Survey. (On file with Clerk)

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF CAROL KING, WALT AND BETTY VALLADAO, MARK BETANCOURT, RODNEY SMITH AND ANGELO MARTINELLI UNTIL MAY 22, 2001 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – MAY 15, 2001

CONSENT ITEM NO. 15

2001-05-15 MENTAL HEALTH

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Rivero, duly carried, the Board approves and authorizes the Chairman to sign Amendments to Contracts in include the “One Hour Rule” for a face to face evaluation by a qualified physician within one hour of when a patient is placed in restraints or seclusion as follows:

Contract No. 7852 with Maria Daisy Illano, M.D.; Contract No. 9279 with Laura Georgina Valdovinos, M.D., M.P.H and Contract No. 10234 with Isabel Sarinas – Manuel, M.D.

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

CONSENT ITEM NO. 30

2001-05-15 BOARD RECOGNITION

Upon motion of Supervisor Rivero, seconded by Supervisor O’Banion, duly carried, the Board authorizes Certificates of Recognition to various individuals for being selected as 2001 Congressman Condit Volunteer of the Year awards as follows: Merced County 4-H Management Board; Mike and Judi Gandy; Kathy Foppe; Addie Yett; Frank and Helen Gallichico; Mark C. Perez Jr.; Kathy Andrade; Vann Michael Smith; Atwater 4th of July Committee and Winton Youth Football Board of Directors.

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

10:30 A.M. SCHEDULED ITEM

2001-05-15 PLANNING – Public Hearing

The time and date previously set for a public hearing to consider General Plan Amendment No. 99004 and Zone Change No. 99004 submitted by Jose Ramirez to change the General Plan designation of a 1.6 acre parcel from Winton Specific Urban Development Plan (SUDP) Industrial to Winton SUDP Commercial along with a change of zoning from M-1 (Light Manufacturing) to C-2 (General Commercial) on property located on the east side of Winton Way and 143 feet south of Santa Fe Drive in the Winton area.

Planner Robert King provides the Staff Report and advises the Planning Commission recommended approval.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor Rivero, duly carried, the Board finds the Project exempt from CEQA and based on Findings makes an Intended Decision to approve General Plan Amendment No. 99004 and Zone Change No. 99004.

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

10:30 A.M. SCHEDULED ITEM
2001-05-15 PLANNING – Public Hearing

The time and date previously set for a public hearing to consider a Planning Agreement for a Natural Communities Conservation Plan (NCCP) and Habitat Conservation Plan (HCP) in Eastern Merced County submitted by the UC Merced Development Office.

UC Planning Director Robert Smith introduces Bill Loudermilk, Regional Manager of Fish and Game and David Nawi, Outside Counsel for the County-UC Project and reviews the key elements of the agreement to implement goals and policy to protect habitat and wetlands. Mr. Smith reviews the Staff Report and states throughout the negotiations for this agreement, the County representatives made it clear the process had to meet two fundamental objectives. First, the Plan must further the goals of the County as set forth in its General Plan; and second, the Plan will emphasize the use of incentives to encourage property owners to voluntarily conserve habitat and species within the Plan area. He further states the Planning Agreement does not obligate the County to adopt the Plan.

Mr. Smith states the recommendation before the Board is to approve the Planning Agreement and then the UC Merced Development Office will solicit proposals from qualified firms for the preparation of this Regional Conservation Plan with selection of the firm to be subject to future Board approval.

Following discussion, UC Planning Director Mr. Smith reads into the record a letter received from VernalPools.Org Letter dated May 14, 2001.

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

Lydia Miller, San Joaquin Raptor Rescue Center, requests the Board take no immediate action on this item and submits and reads a letter into the record dated May 15, 2001 from San Joaquin Raptor Rescue Center and Protect Our Water (POW) regarding Draft Natural Communities Conservation Planning Agreement.

Les McCabe, Merced resident, speaks in opposition of passing a “fast track method” agreement and reads excerpts from an article in the May 15, 2001 Merced Sun-Star regarding this issue.

Charles Magneson, Ballico resident, submits and reads a letter into the record dated May 15, 2001 stating his concern on the timeframe and a letter dated May 14, 2001 by Joe Mitchell, Winton resident, stating his reasons for opposition.

Kuss Porter, Merced resident, recommends and requests the Board amend the draft plan to include Merced County as a whole as opposed to only the Eastern Merced County.

Nancy Slater, Executive Director of the Merced County Farm Bureau, submits and reads a letter dated May 15, 2001 requesting an extension of two weeks or until May 29, 2001 to allow for a thorough review and discussion of the contents of the draft planning agreement.

Donna Crowder, Merced resident, speaks in opposition.

Bill Loudermilk, Regional Manager of Fish and Game, responds to concerns of the public reiterating adoption of this agreement only provides an umbrella to work under and have open public dialogue and this structure is being used throughout the State.

County Administrator/UC Project Director Greg Wellman speaks regarding the program and public participation process.

Ric Notini, Environmental Permitting Manager for UC Merced, speaks in support of the County's efforts in the development of this agreement.

Vicki Campbell, Chief of Conservation Planning of Fish and Wildlife Service, encourages the Board to embark on the approval of the habitat conservation plan and states the U.S. Fish and Wildlife believes this is an effective tool to conserve its endangered species.

Following a lengthy discussion, Supervisor O'Banion states he is in support of going forward with the plan and acknowledges this is the beginning of the planning effort.

Following further discussion, Supervisor Rivero moves, seconded by Supervisor Kelsey, the Board continue this item until May 22, 2001 to afford the individuals or organizations who have concerns an opportunity to review.

Following discussion on the postponement and the process, the Chairman calls for a Vote on the Motion on the Floor.

Motion carries.

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

ACTION ITEM NO. 34

2001-05-15 PUBLIC WORKS

Upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried, the Board accepts a \$6,030,000 Board of Corrections Grant for Phase II of the Juvenile Justice Correctional Complex (JJCC) and approves the total estimated project budget of \$7,973,265; approves an additional \$150,000 for extraordinary expenses due to NAPA processing for Phase I of the JJCC and approve the revised total project budget of \$15,150,000, approves the necessary budget transfers and authorizes the Chairman to sign Contract No. 200193 with State Board of Corrections; authorizes Public Works to negotiate fees for additional services relative to Phase II of the JJCC with Architect Patrick Sullivan and Construction Manager Kitchell and authorizes Public Works Director to sign Amendments to Contract No. 10244 with Patrick Sullivan Associates and Contract No. 2000170 with Kitchell authorizing the proceeding with the Phase I revisions and the Phase II Design for the JJCC.

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