



MERCED COUNTY
BOARD OF SUPERVISORS
SUMMARY ACTION MINUTES

Regular Meeting
TUESDAY, JUNE 19, 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 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: Two Case(s)

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: Bryant vs. County

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 Jeff Leis, Yosemite Church-Merced

PRESENTATION OF SERVICE PINS

30 Years of Service: Human Services Agency – Glenda Borders

20 Years of Service: Public Works – Shirley Winton

20 Years of Service: County Counsel – William Hunter

15 Years of Service: UC Merced Office – Robert Smith

REVIEW BOARD ORDER – SEE PAGE 13

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)

REVIEW BOARD ORDER – SEE PAGE 13

The following speak: Merced City Mayor Mary Jo Knudsen

UC MERCED PROJECT - Liaison Report

RECEIVED REPORT FROM UC LIAISON KATHLEEN CROOKHAM

BUDGET TRANSFERS FROM REVENUE (4/5 Vote Required)

Public Works-\$4,800 (#088) and \$35,500 (#083) and Sheriff-\$45,500, \$92,808 and \$72,180

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 – 54)

APPROVED AS RECOMMENDED EXCEPT CONSENT ITEM #19 WHICH HAS BEEN PULLED FOR SEPARATE DISCUSSION AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

ADDED AGENDA ITEM:

REVIEW BOARD ORDER – SEE PAGE 13

THE BOARD FINDS THE NEED, SUBSEQUENT TO THE POSTING OF THE AGENDA, TO CONSIDER A BUDGET TRANSFER FOR THE SHERIFF'S DEPARTMENT AYES: ALL

THE BOARD APPROVED THE BUDGET TRANSFER FOR THE SHERIFF'S DEPARTMENT IN THE AMOUNT OF \$3,500 TO REPLACE THE AIR CONDITIONING COMPRESSOR AT THE MAIN JAIL AYES: ALL

10:30 A. M.

SHERIFF – PUBLIC HEARING – PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider Amending the Criminal Justice Administrative Fee for Fiscal Year 2001/2002, Permitting the Criminal Justice Administrative Fee imposed to

cover County Expenses incurred in Booking Persons Arrested and Brought to County Jail to be determined annually by the Auditor (Amends Ordinance No. 1525)

REVIEW BOARD ORDER – SEE PAGE 14,

APPROVED AND ADOPTED ORDINANCE NO. 1659 AYES: ALL

ADMINISTRATION – PUBLIC HEARING

To consider Redistricting Scenarios for development into Redistricting Plans

REVIEW BOARD ORDER – SEE PAGE 14, 15 AND 16

RECEIVED REPORT AND CONTINUED DISCUSSION TO JUNE 26, 2001

PLANNING – PUBLIC HEARING

To consider an Appeal submitted by Calvary Temple. Said request is to overrule the County Airport Land Use Compatibility Plan and Allow Consideration of a Church and School in the Castle Airport Extended Approach Zone. Staff Determination that a proposed church and school are not permitted in the Castle Airport Compatibility Zone B2 according to the Merced County Airport Land Use Compatibility Plan on property located at the southwest corner of Cardella and Franklin Roads in the Merced area

REVIEW BOARD ORDER – SEE PAGE 16 AND 17

DENIED APPEAL AND UPHELD RECOMMENDATION OF PLANNING COMMISSION AYES: ALL

PRESENTATION - PUBLIC WORKS – ROAD DIVISION WORK PROGRAM AND REVENUE SOURCES FOR FISCAL YEAR 2001/2002

REVIEW BOARD ORDER – SEE PAGE 18, 19

RECEIVED REPORT

REPORTS/BOARD DIRECTION

County Administrator
County Counsel
County Auditor
Board of Supervisors Members

LUNCH BREAK

CONSENT CALENDAR (Items #1 – 54)

APPROVED AS RECOMMENDED AYES: ALL

Travel Requests

1. Approve Travel Requests submitted by Mental Health, Probation and District Attorney as recommended by Administration.

Budget Transfers

2. Approve Budget Transfers submitted by Fire/OES-\$5,000; Health-\$44,801; Human Services Agency-\$610,510 (#H24), \$6,200 (#L06), \$0 (#H22) \$50,000 (#H25); Sheriff-\$1,500, \$1,050, \$10,000 and \$900; Public Works-\$4,000 (#094), \$2,976 (#097) and Spring Fair-\$5,250 as recommended by Administration.

Assessor

3. Authorize Overhire of one Assessment Clerk I/II for a Limited Term Period not to exceed six months.

Public Works

~~4. PULLED~~

5. Adopt Resolution authorizing Public Works Director and Auditor to file the Local Transportation Funds Claim for the 2001-2002 Fiscal Year with Merced County Association of Governments.

ADOPTED RESOLUTION NO. 2001-107

6. Approve revised total budget for the HVAC Replacement at Building No. 2 at Human Services Agency in the amount of \$164,500 and approve the necessary budget transfers (#H21) (PW#82).
7. Approve and authorize Chairman to sign Renewal Contract No. 99121 with Hilmar Community Recreation Council, Inc., Hilmar Unified School District and Hilmar Hammerheads Swim Club to operate the Hilmar Swimming Pool for the Swim Team Events and public swimming for July 1, 2001 through June 30, 2002.

8. Adopt Resolution authorizing Chairman to sign Right-of-Way Contract with Danny, Valorie and Jerry McDonough for Easement Deed for parcel of land required for Bridge Replacement Project on Van Clief Road at Eastside Canal.

APPROVED AND AUTHORIZED THE CHAIRMAN TO SIGN CONTRACT NO. 2001118 AND ADOPTED RESOLUTION NO. 2001-108

9. Accept Final Map for Marvin Gardens Unit No. 4 Subdivision located in the Delhi SUDP area.

Probation

10. Approve and authorize Chairman to sign Renewal Contract No. 99185 with Livingston Police Department for Satellite Office Space for Fiscal Year 2001/02.
11. Approve and authorize Chairman to sign Renewal Contract No. 99160 with Merced County Office of Education for 100% Reimbursement of 1.5 FTE Deputy Probation Officer and authorize the continued allocation of two Deputy Probation Officers to the Probation Department for Fiscal Year 2001/02.

Ag. Commissioner

12. Approve and authorize Chairman to sign Renewal Contract No. 7130 with Calif. Cantaloupe Advisory Board for Ag. Commissioner to perform 2001 Season Cantaloupe Surveillance Inspection Program.

Information Systems

13. Approve and authorize Chairman to sign Renewal Contract No. 2000139 with Megabyte Systems, Inc. for maintenance of the MPTS2000+ Property Tax System.

Administration

14. Approve and authorize Chairman to sign Renewal Contract No. 8374 with Merced Community College to provide a laboratory-type learning experience to students.

15. Approve and authorize Chairman to sign Amendment to Contract with Grover Omyer for temporary continued oversight of the Human Services Agency.

APPROVED AND AUTHORIZED THE CHAIRMAN TO SIGN CONTRACT NO. 200161

16. Authorize aligned Extra Help Account Clerk I/II, \$8.43-9.29/hour to Planning and Community Development, Budget Unit 28500 and adopt Resolution.

ADOPTED RESOLUTION NO. 2001-109

Sheriff

17. Approve and authorize Chairman to sign Renewal Contract No. 8037 with Turlock Irrigation District for Sheriff's Department to provide Canal Patrol Service for the period of July 1, 2001 through October 1, 2001.

18. Approve and authorize Chairman to sign Addendum to Contract No. 2000255 with Wilson Family Funeral Chapel for pick up of deceased within Merced County through June 30, 2002.

19. Approve and authorize Chairman to sign Contract with Jerry Rodgers for Delhi CLEO office space lease located at 9664 Hinton Avenue, Delhi for the duration of May 1, 2001 through June 30, 2004.

PULLED FOR SEPARATE DISCUSSION

APPROVED AND AUTHORIZED THE CHAIRMAN TO SIGN CONTRACT NO. 9546

AYES: ALL

District Attorney

20. Approve and authorize Chairman to sign Contracts for the Grant to Encourage Arrest Policies with Merced Police Department-No. 99017, Los Banos Police Department-No. 99015, A Woman's Place-No. 9683 and the Merced County Sheriff Department-No. 99016.

Health

21. Approve and authorize Chairman to sign Renewal Contract No. 10025 with Thomas Cole, M.D. for professional services in the Tuberculosis Control Program in an amount not to exceed \$6,000 for Fiscal Year 2001/2002.

Private Industry Training Department

22. Approve and authorize Chairman to sign Amendment to Contract No. 9115 with Merced Adult School for PLATO Basic Education Laboratory in an amount not to exceed \$22,466 through June 30, 2002.

23. Approve and authorize Chairman to sign Amendment to Contract No. 9859 with Merced College for Westside PLATO Basic Education Laboratory and GED Preparation Instruction in an amount not to exceed \$266,642 through June 30, 2002.

24. Approve and authorize Chairman to sign Amendment to Contract No. 200115 with Merced County Office of Education to reflect legislative increases in the minimum wage from \$5.75 to \$6.25 effective January 1, 2001 and a further increase from \$6.25 to \$6.75 effective January 1, 2002 in an amount not to exceed \$2,424,766.

Mental Health

25. Approve and authorize Chairman to sign Amendment to Contract No. 9950 with Evans Private Security for provision of security services to the Marie Green Psychiatric Health Facility for the maximum amount of \$23,500 for Fiscal Year 2000/01.
26. Approve and authorize Chairman to sign Renewal Contract No. 8051 with Merced Manor for services provided to Mental Health consumers in the maximum amount of \$345,000 for Fiscal Year 2000/01.
27. Approve and authorize Chairman to sign Amendment to Contract No. 9754 with the Center for Applied Local Research for evaluation of the Dual Diagnosis Demonstration Project extending the term through October 31, 2001.
28. Approve and authorize Chairman to sign Renewal Contract No. 5309 with Merced Community College District to provide First Offender Drinking Driver Program Services to Merced County residents for Fiscal Year 2001/2002.
29. Approve and authorize Chairman to sign Amendment to Contract No. 9342 with Bertelli's Drugs for Pharmacy Special Services for the period of March 1, 2001 through June 30, 2001 for a maximum amount not to exceed \$13,000.
30. Approve and authorize Chairman to sign Amendment to Contract No. 9476 with Delhi United Drug for Pharmacy Special Services for the period of March 1, 2001 through June 30, 2001 for a maximum amount not to exceed \$21,000.
31. Approve and authorize Chairman to sign Renewal Contract No. 9536 with State Dept. of Mental Health for McKinney/Path Federal Block Grant Funding and authorize the signing of necessary documentation for Fiscal Year 2001/2002.
32. Approve and authorize Chairman to sign Renewal Contract No. 10121 with Challenged-Family Resource Center for provision of special services of a Family Advocate in an amount not to exceed \$16,500 for Fiscal Year 2001/2002.
33. Approve and authorize Chairman to sign Renewal Contract No. 99156 with Phil A. Phillips, M.S.W. for provision of Patients' Rights Advocacy Services for a maximum amount not to exceed \$60,000 for Fiscal Year 2001/2002.
34. Approve and authorize Chairman to sign Renewal Contract No. 7199 with Community Social Model Advocates, Inc. for provision of alcohol and drug residential recovery services for men and women in the amount of \$898,131 for Fiscal Year 2001/2002.
35. Approve and authorize Chairman to sign Amendment to Contract No. 7199 with Community Social Model Advocates, Inc. to provide five dedicated alcohol and drug residential recovery services beds increasing the Contract amount to \$854,771 for Fiscal Year 2000/2001 and approve the necessary budget transfer.

36. Approve and authorize Chairman to sign Renewal Contract No. 9301 with Merced Community College District to provide Penal Code 1000 Deferred Entry of Judgment Program Services for Fiscal Year 2001/2002.
37. Approve and authorize Chairman to sign Renewal Contract No. 9601 with State Dept. of Mental Health for Application/Substance Abuse & Mental Health Services Administration (SAMHSA) Block Grant Funds.
38. Adopt Resolution authorizing the State Dept. of Mental Health to withhold and transfer funds in the amount of \$9,600 for FY 2001/2002 to the Calif. Mental Health Directors' Assoc. to fund an Administrative Services Organization to arrange for the provision of mental health services for Medi-Cal eligible children from Merced County who are placed out-of-county.
ADOPTED RESOLUTION NO. 2001-110

Area Agency on Aging

39. Approve and authorize Chairman to sign Amendment to Contract No. 9444 with Public Works to increase funds of \$6,445 for a new total of \$70,424 for Senior Transportation Services to senior citizens over 60 years of age with no other means of transportation.

UC Merced Project

40. Approve and authorize Chairman to sign Renewal Contract with Miller and Associates for Planning Assistance in an amount not to exceed \$130,000.
APPROVED AND AUTHORIZED THE CHAIRMAN TO SIGN CONTRACT NO. 200151
41. Approve and authorize Chairman to sign Amendment to Contract with EIP Associates for the University Community Plan-Phase IIA.
APPROVED AND AUTHORIZED THE CHAIRMAN TO SIGN CONTRACT NO. 99106
42. Approve and authorize Chairman to sign Amendment to Contract with John Vollmar for development of Natural Resource Information pertaining to the vernal pool grasslands of Eastern Merced County.
APPROVED AND AUTHORIZED THE CHAIRMAN TO SIGN CONTRACT NO. 2000248

Business-Economic Opportunities

43. Approve and authorize Chairman to sign Addendum to Contract No. 9855 with Merced County Economic Development Corporation to compliment the economic development activities of BEO extending the contract to June 30, 2002.
44. Approve and authorize Chairman to sign Renewal Contract No. 9796 with IMS Worldwide, Inc. for specified Foreign-Trade Zone Consulting Services.

Auditor

45. Approve and authorize Chairman to sign Amendment to Contract No. 99159 with Moss-Adams LLP for a total cost not to exceed \$66,650 to include the County Single Audit and Audits of the District Attorney, Children and Families First Commission and Business-Economic Opportunities functions.

Board Recognition

46. Authorize Certificate of Recognition to Fred Honoree in recognition of Hilmar Chamber of Commerce 2001 Distinguished Service Award.

47. Authorize Certificate of Recognition to Nisei Student Relocation Commemorative Fund, Inc. in recognition of funds provided in a Scholarship Program for the Southeast Asian Refugees in the United States.
48. Authorize Plaque presentation to Uniao Portuguesea Protectora do Estado da California (U.P.P.E.C.) in recognition of 100th Anniversary Celebration.
49. Authorize Certificates of Recognition to Melvin Blankenship, Dorothy Reynolds, Cloria Norman, Dennis Chew, Jimmy Cleckler and Dr. Wayne Hill for dedicated services upon their retirement from Hoover Middle School.
50. Authorize plaque presentation to Merced County Employee's Retirement Association in celebration of their 50th Anniversary.
51. Authorize Certificates of Recognition in recognition of Atwater Chamber of Commerce Awards as follows: Atwater Signal's Citizen of the Year-Greg McDaniel, Volunteer of the Year-Debbie McGarry, Business of the Year-County Bank, 2000 President-Earl "Skip" Hinman, 2000 Board Member-Gary Frago, Dorathe Schalk and Greg McDaniel.
52. Authorize Proclamation presentations to numerous Chinese Delegation Members.
REVIEW BOARD ORDER – SEE PAGE 13 AND 14
53. Authorize presentation of plaque to Shaffer Elementary for achievement of Blue Ribbon School Award by U.S. Dept. of Education.
54. Authorize Certificates of Recognition to: 15 Years-Judith Hammit and Connie Livingston, 22 Years-Gloria Hennessey, 23 Years-Pierre Dalia and Evelyn Grayson, 24 Years-Mary Lopes, 25 Years-Sharon Rovig, 26 Years-Bill Hannah, 27 Years-Ruth Myers and 30 Years-Kathleen Chew for dedicated services upon their retirement from Atwater School District.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

55. Resolution and Easement Deed to the City of Los Banos for a ten foot wide strip of land on the south side of Willmont Avenue on County-owned property in connection with current City street improvement projects.
ADOPTED RESOLUTION NO. 2001-111 AND AUTHORIZED CHAIRMAN TO SIGN EASEMENT DEED AYES: ALL
56. Authorize expenditure of \$2,500 from Special Board Project Funds-District One to MCAG for cost associated to hire a local artist to improve the concrete bus shelter located at Highway 140 and Plainsburg Road using a mosaic type painting method and approve the necessary budget transfer. (#96)
APPROVED AS RECOMMENDED AYES: ALL

57. Authorize donation of \$1,000 from Special Board Project Funds-District Three to Merced Union High School District to be used toward the purchase of new band uniforms for the Atwater High School Band and approve necessary budget transfer. (#95)
APPROVED AS RECOMMENDED AYES: ALL

PUBLIC WORKS-CASTLE

58. Approve Airport Sublease Document #01-07 between Merced County and Patelco Credit Union for 1.64 acres of land at Castle Airport Aviation and Development Center.
APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001122
AYES: ALL
59. Make Findings regarding CEQA Compliance and authorize sublease with Castlejet and sublease Buildings 1560, 1529, 1509 at Castle Airport.
PULLED FROM AGENDA – NO ACTION TAKEN

HEALTH

60. Proposed Amendments to the Bylaws of the Emergency Medical Care Committee.
APPROVED AS RECOMMENDED AYES: ALL

AREA AGENCY ON AGING

61. Contract with California Dept. of Aging to increase funding by \$12,538 for a new total of \$733,756 for Multiple Services to the senior citizens and approve necessary budget transfer (#A13). (4/5 Vote Required)
APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 5868
AYES: ALL

BUSINESS-ECONOMIC OPPORTUNITIES

62. Request for Joint Venture Proposal No. 5658 - FOCUS Program Contract Award for Categories A. 1-5 to Batiz.com.
REVIEW BOARD ORDER – SEE PAGE 19
APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001119
AYES: ALL
63. Request for Joint Venture Proposal No. 5658 - FOCUS Program Contract Award for Categories A. 1-5 to RedKnife, Inc.
REVIEW BOARD ORDER – SEE PAGE 19
APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001120
AYES: ALL

ADMINISTRATION

64. Reallocate 10% of FY 00/01 Realignment Funds from Mental Health Realignment Trust Fund to Social Services Realignment Trust Fund to cover the increased General Fund costs in Social Services realignment programs.
APPROVED AS RECOMMENDED AYES: ALL

73. Ag. Commissioner re: 2000 Merced County Dept. of Agriculture Report. (On file with Clerk)
74. Wine and Dine for Canines and Felines re: Request for donation of merchandise or gift certificate for Auction at "Wine and Dine for Canines and Felines" Fundraiser set for June 29, 2001 at Lake Yosemite.
75. State Dept. of Transportation re: Federal Aid Data System modification to include Federal Aid Project Agreement obligation adjustments and final vouchering obligation adjustments and access.
76. State Dept. of Parks and Recreation re: 2000 Parks Bond Act Program Status.
77. Governor's Office of Emergency Services re: 'Basic' blackout preparedness fact sheet.
78. State of California re: Petition for Temporary Change of Place of Use – Year 2001 Transfer from Kern County Water Agency to Del Puerto Water District, Panoche Water District, San Benito County Water District, San Luis Water District and Tranquility Water District. (On file with Clerk)
79. Calif. State Library re: Preliminary Draft Regulatory Language for the Bond Act of 2000 – Procedures for submitting written comments. (On file with Clerk)
80. State Board of Equalization re: Notification of New Assessor in Mariposa County and Lake County.
81. State Board of Equalization re: Statute of Limitations – for Supplemental and Escape Assessments for Changes in Ownership.
82. State Water Resources Control Board re: Notice of Petition for temporary change involving the transfer of up to 114,052 Acre-Feet of Water to the Department of Water Resources under Yuba County Water Agency Permit 15026.
83. State Water Resources Control Board re: Notice of Claims of Water Rights for Stockponds in Merced County.
84. State Dept. of Housing & Community Development re: Notice of Free, Accredited HUD Lead-Based Paint Training.
85. Office of Statewide Health Planning and Development re: Notice of Public Hearing for Proposed Building Standards of the Office of Statewide Health Planning and Development.
86. State Dept. of Youth Authority re: Notice of Proposal to amend Regulations – Public Hearing set for July 24, 2001.
87. The California Wellness Foundation re: Campaign to promote and encourage broader public support for preventing violence against youth, notice of updates and access of current information on www.preventviolence.org.
88. State Board of Corrections re: Schiff-Cardenas Crime Prevention Act of 2000 (Modifications/Comprehensive Multiagency Juvenile Justice Plan (CMJJP)).

89. Calif. Dept. of Child Support Services re: Status of P3 Project Recommendations.
90. State Water Resources Control Board re: Report detailing nonpoint source pollution control activities and accomplishments that have been and continue to be carried on throughout the State. (On file with Clerk)
91. University of California re: Transportation Research at the University of California, Spring 2001. (On file with Clerk)
92. UCLA Center for Health Policy Research re: Uninsured Californian's in Assembly and Senate Districts, 2000. (On file with Clerk)
93. California State Board of Equalization re: Assessment Practices Survey – Alameda County dated April, 2001 and Tehama County dated May, 2001. (On file with Clerk)

ADOPTED RESOLUTIONS AND ADJOURNED THE MEETING IN MEMORY OF PATRICK COLLINS, BERNA DU PERTIUS AND WALLY COATS UNTIL TUESDAY, JUNE 26, 2001 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JUNE 19, 2001

10:00 A.M. SCHEDULED ITEM

2001-06-19 SERVICE PINS

The Board presents Service Pins to the following County employees for their years of service:

FIFTEEN YEARS

Bob Smith

UC Merced

TWENTY YEARS

Shirley Winton

Public Works

William Hunter

County Counsel

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

10:00 A.M. SCHEDULED ITEM

2001-06-19 PUBLIC OPPORTUNITY

The Chairman calls for the Public Opportunity.

City of Merced Mayor Mary Jo Knudsen appears before the Board and reads and submits a letter into the record dated June 19, 2001 on behalf of the Mayors Council requesting the Board immediately initiate all necessary processes and actions to commence televising all Board of Supervisors meetings via local government cable television access.

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

CONSENT ITEM NO. 52

2001-06-19 BOARD RECOGNITION

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board authorizes Certificates of Recognition to various Chinese Delegation Members as follows:

Luo Songqupi – Vice Governor of Ganzi Prefecture Government, Yang Anming – Vice Mayor of the People's Government of Nanchong City, Deng Xuejian – Vice Mayor of the People's Government of Suining City, Yin Chang – Vice Mayor of the People's Government of Bazhong City, Wang Zhishou – Vice Mayor of the People's Government of Bazhong City, Zhao Xuequian – Deputy Director/General of the Agricultural Department of the People's Government of Sichuan Province, Yin Dehong – Vice Mayor of the People's Government of Yibin City, Zhang Jibin – Vice Head of the People's Government of West District of Panzhibua City, Zhang Chongguo – Deputy Director/General of the Agricultural Bureau of the People's Government of Neijiang City, Wi Fuyou – Deputy Director/Government of the People's Government of Neijiang City, Zheng Yaoyin – Magistrate of the People's Government of Nanxi County, Liu Zhongyuan – Magistrate of the People's Government of Jiangan County, Zhang Zongzhao – Vice Magistrate of the People's Government of Xuanhan, Zhan Tingxuan – Magistrate of the People's Government of Linshui County and Zhang Rongsheng – Magistrate of the People's Government of Batang County.

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

10:30 A.M. SCHEDULED ITEM
2001-06-19 SHERIFF – Public Hearing

The time and date previously set for a Public Hearing to consider an Ordinance to continue the Criminal Justice Administrative Fees (Booking Fees) for Fiscal Year 2001/2002 (Replaces Ordinance No. 1525) submitted by the Sheriff.

Sheriff Administrator JoAnn Phelps reviews the Staff Report.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board waives further reading and adopts Ordinance No. 1659.

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

10:30 A.M. SCHEDULED ITEM
2001-06-19 ADMINISTRATION – Public Hearing

The time and date previously set for a Public Hearing to consider Redistricting Scenarios for development into Redistricting Plans. Acting County Administrator Dee Tatum states in Administrative Practices Study Session on May 22, 2001, Special Redistricting Counsel Marguerite Mary Leoni and Demographic Consultant R. Anthony Sissons presented to the Board six Scenarios for possible development into proposed redistricting plan alternatives for Merced County's supervisorial districts. After Merced County's consultants and Staff conducted twenty public meetings on redistricting, ten additional tests were also performed to analyze and were submitted at the Board Meeting of June 5, 2001 for the Board and public review.

He further states the objective is to consider all redistricting scenarios and tests by the County's consultants as well as any maps provided by the public – whether or not all the legal criteria were met. He submits Scenario 2A to replace existing Scenario 2 in the packet.

Upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried, the Board replaces Scenario 2 with Scenario 2A as submitted.

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

Special Counsel Marguerite Leoni and Demographic Consultant R. Anthony Sissons review Redistricting Scenario 1, 2A, 3, 4, 5 and 6 and Test 1, 2, 3, 4, 5, 6, 7, 8 (Alternative J), 9 (Alternative K) and 10 (Alternative L).

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

Dos Palos City Manager Darryl Fonseca, representing the Mayor's Council, states the Council desires an additional Supervisor west of the San Joaquin River and one City representative- or a portion of a city - in each supervisorial district. Mr. Fonseca thanks the Board for acknowledging the Mayor's Council requests.

Robert Mitchell, representing Hilmar-Stevinson area, states Hilmar and Stevenson want to remain in one supervisorial district citing the following are tied together: schools, municipal advisory councils, chamber of commerces and recreation committees.

Rick Osorio, Merced resident, commends the Board on the openness of the redistricting process and states Scenario 2A and Scenario 3 appear to be the best Scenarios to serve the constituents.

Nancy Slater, representing Farm Bureau Legislative Committee, submits letter dated June 16, 2001 highlighting preferences with Scenario 3 which would provide for an additional agricultural voice on the Westside.

Don Bergman, Greater Merced Chamber of Commerce President, reviews the Chamber's preferences stating full support for District Two to have the lake and UC area.

Mary Furey, Planada resident, speaks in favor of Test 6 due to the quantity of agricultural land in the area.

City of Gustine Mayor Fred Souza states Scenario 2A has community wide support and the community feels that being included with Atwater would not serve their needs and would further dilute representation on the Board.

Supervisor Cortez Keene questions the inclusion of the Celeste area, located by Highway 140, in District One boundaries understanding that she would have concern if dilution occurred.

Following discussion, Supervisor O'Banion moves, to approve Scenario 3 inclusive of Test 4 in addition to some tweeking of movement of boundaries in District One to include the Celeste area and District Two to include the UC Merced area.

Supervisor Kelsey requests modifications to include the rangelands intact in one district or area of a common interest.

Supervisor Rivero seconds the motion, with a modification to include the following: areas in the McSwain area need to be looked at to accommodate modification as well as eastern rangelands in Scenario 2A.

Supervisor O'Banion requests the additional modification of the boundary line that is identified by Henry Miller Road in Santa Nella for a portion of Gustine to be included in District Five.

Following a lengthy discussion, the Chairman recommends the issues identified come back later in the afternoon with the Scenarios and Tests.

Following further discussion, Supervisor O'Banion states he does not desire to withdraw the Motion on the Floor but will hold it in abeyance until the Board reconvenes this discussion.

Later in the day, Special Counsel Leoni restates the Motion proposal before the Board as requested to be outlined with Scenarios and Tests:

To approve Scenario 3 with Test 4 tweeked as follows: Celeste area to be brought into District One, move District Two into the UC area from Lake area previously reviewed and with District Four to have grasslands/range lands moving District Four into the Eastside of the County. She further states she is not prepared to make a recommendation as more attention is needed on these changes.

Supervisor Rivero states he wants to share the UC area, not have it given to District Two so he could not support this proposal.

Supervisor O'Banion suggests refining of Scenario 2A and Scenario 3 to come back to the Board for consideration at the next meeting.

Supervisor O'Banion moves, to continue the Redistricting issue with the changes as stated by Special Counsel Leoni and the Board requests Staff to further study the two Scenarios to bring back to the Board for consideration at the June 26, 2001 Meeting.

Supervisor Kelsey states the rangeland issue represents a contiguous group of people on the eastern side of Merced County that includes an area that is all going to be in the same habitat reserve and requests Board support.

Chairman Cortez Keene seconds the motion.

Following discussion, the following changes are made to the Motion on the Floor:

Special Counsel Leoni states two plans will be submitted addressing the UC Merced area with one splitting the area and one with the UC Merced area in its entirety.

Supervisor Cortez Keene states the Celeste area no longer needs to be considered in the District One boundaries.

Supervisor O'Banion expresses concern with the emphasis being on rangeland/pasture land district and the fact that this is not being treated similar to the community of interest of Hilmar/Stevinson area. He also supports the Mayor's Council recommendation to advocate representation for each board member in unincorporated cities.

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

10:30 A.M. SCHEDULED ITEM
2001-06-19 PLANNING – Public Hearing

The time and date previously set for a Public Hearing to consider an Appeal submitted by the Calvary Temple. Said request is to overrule policies of the County Airport Land Use Compatibility Plan and Allow Consideration of a Conditional Use Application for the construction of a Church and School in the Castle Airport Extended Approach Zone. Said property is located at the southwest corner of Cardella and Franklin Roads in an area Zoned B2 "Extended Approach and Departure Zone".

Planning Director Bill Nicholson reviews the Staff Report stating it is Staff's determination that a proposed church and school are not permitted in the Castle Airport Compatibility Zone B2 according to the Merced County Airport Land Use Compatibility Plan.

Supervisor O'Banion leaves the Chambers at 12:37 p.m.

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

Nina Besquinch states their current location is no longer feasible this location will meet their growing needs in addition to allowing them to attract the local community.

Supervisor O'Banion returns to the Board Chambers at 12:43 p.m.

Bob Allen, Pastor of Calvary Temple Church, urges the Board to partner with the Church and balance the safety issue with the good this church is going to serve.

John Fowler, a former commander at the Castle Air Force Base and Aircraft Investigator, cites examples of accidents in this area and states the highest area of accidents occur in the airport approach. He further stresses the critical importance of considering the safety of human beings.

Greg La Salle speaks in support of the Calvary Temple Church stating it has grown from 150 to 175.

Following discussion, Planning Director Bill Nicholson reviews the safety measures that would need to be addressed for the Conditional Use Permit stating it would be based primarily on the traffic measures, height restriction, noise standard, lighting, etc.

Ron McClain, Calvary Temple Board Member, states the interest in the location is based on the location between Atwater and Merced, the size fits the need of the church and it is in the financial realm of the church.

Following discussion on County responsibility, County Counsel Dennis Myers states there has been no evidence submitted to overrule the Findings and recommended plans adopted by the Merced County Airport Land Use Commission.

Following a lengthy discussion, Supervisor Rivero moves, seconded by Supervisor Kelsey, the Board deny the appeal and uphold the policies of the Merced County Airport Land Use Compatibility Plan for this site.

Supervisor Cortez Keene states Pastor Allen had met and discussed the issue with her and she had given him her support due to the fact Castle currently is not under military use. Therefore, she would be voting in favor of the application submitted.

The Chairman calls for a Vote on the Motion. Supervisor Cortez Keene votes "no".
Motion carries.

Ayes: Crookham, Rivero, Kelsey, O'Banion

Noes: Cortez Keene

10:30 A.M. SCHEDULED ITEM

2001-06-19 PUBLIC WORKS

The time and date previously set for the Presentation of the Merced County Department of Public Works Road Division Work Program for Fiscal Year 2001/2002 with Supervisor Rivero not present.

Public Works Director Paul Fillebrown submits and reviews the Road Division Work Program and presents a slide overview.

Supervisor Rivero returns to the Chambers at 2:37 p.m.

Public Works Director Fillebrown reviews the following topics:

Resource for Fiscal Year 2001/2002, Proposed Revenues and Available Cash for Fiscal Year 2001/2002, Work Program Generated From Project Specific Revenue, Proposed Expenditures of General Revenues & AB 2928 Revenues, General Revenue Expenditures for Fiscal Year 2001/2002, Listing of Preservation Programs Funded with AB 2928 and General Revenues (3,350,000), Listing of Pavement Preservation Projects, Rehabilitation Projects and Proposed 2001/2002 Road Division Budget Has a \$450,000 Impact on the General Fund and the Recommendations to be considered Prior to Approval of the Budget.

Discussion is had on Impact Fees and funds to maintain road on a continuous basis.

Public Works Director Fillebrown advises he would like the Board to consider General Fund support for Final Budget.

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

ACTION ITEM NO. 62

2001-06-19 BUSINESS-ECONOMIC OPPORTUNITIES

Upon motion of Supervisor Rivero, seconded by Supervisor O'Banion, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2001119 with Batiz.com for Request for Joint Venture FOCUS Categories A. 1-5; finds the provisions of special services described in the proposed contracts will not adversely impact the provision of similar private sector companies or individuals within the county; authorizes Chairman to sign FOCUS contract award announcement letter for Batiz.com and authorizes General Services to utilize such services/products, when in the best interest of the County without the necessity for any further bid process.

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

ACTION ITEM NO. 63

2001-06-19 BUSINESS-ECONOMIC OPPORTUNITIES

Upon motion of Supervisor Rivero, seconded by Supervisor O'Banion, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2001120 with RedKnife, Inc. for Request for Joint Venture FOCUS Categories A.1-5; finds the provisions of special services described in the proposed contracts will not adversely impact the provision of similar private sector

companies or individuals within the county; authorizes Chairman to sign FOCUS contract award announcement letter for RedKnife, Inc. and authorizes General Services to utilize such services/products, when in the best interest of the County without the necessity for any further bid process.

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

ACTION ITEM NO. 68

2001-06-19 AUDITOR-CONTROLLER

Upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried, the Board authorizes the Auditor-Controller to make the following appropriation transfers:

General Fund transfer Salary Savings Appropriation to cover overdrawn accounts required to pay Data Processing, Central Duplicating, Fleet Services Management billings and Insurance Pool;

Other Funds-transfer Salary and Service and Supplies Appropriations to cover overdrawn accounts and amounts required to pay Data Processing, Central Duplicating and Fleet Service Management billings and Insurance Pool, and,

Authorize the Auditor-Controller to increase estimated proceeds from taxes and contingencies by the amount actual proceeds from taxes exceeds the estimates.

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

10:00 A.M. LATE AGENDA ITEM

2001-06-19 ADMINISTRATION / SHERIFF

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board finds a need, subsequent to the posting of the agenda, to take action on an item relative to funds for the replacement of a compressor and places it on the agenda for consideration.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board approves the budget transfer in the amount of \$3,500 for the emergency replacement of a compressor at the Main Jail.

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