



**MERCED COUNTY
BOARD OF SUPERVISORS**

SUMMARY ACTION MINUTES

Regular Meeting

TUESDAY, NOVEMBER 20, 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
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 a significant exposure in litigation pursuant to Subdivision (c) of Section 54956.9: One Case

CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: It is the intention of the Board to meet in Closed Session concerning existing litigation pursuant to Subdivision (c) of Section 54956.9: Name of Case: Riggs v. County of Merced – Case #143752

8:30 A. M.

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Subdivision (e) pursuant to Section 54957:
PUBLIC EMPLOYEE APPOINTMENT
Title: Human Services Agency Director

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

THE BOARD RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF

10:00 A. M.

PLEDGE OF ALLEGIANCE

INVOCATION

Jerry Rodgers, Calvary Temple-Delhi

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 11

**MINUTES OF JULY 3, 24 AND 31, AUGUST 14, 21 AND 28, SEPTEMBER 11, 18 AND 25, 2001 SUBMITTED FOR APPROVAL
APPROVED MINUTES AS SUBMITTED AYES: ALL**

**UC MERCED PROJECT - Liaison Report
NO REPORT**

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required)
Health-\$28,000, Public Works-\$4,000 (#016) and Mental Health-\$11,200
APPROVED AS RECOMMENDED AYES: ALL

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 – 25)
APPROVED AS RECOMMENDED AYES: ALL**

**GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)
ADDED AGENDA ITEM:**

REVIEW BOARD ORDER – SEE PAGE 11

THE BOARD FINDS THE NEED, SUBSEQUENT TO THE POSTING OF THE AGENDA, TO CONSIDER JUVENILE JUSTICE CORRECTIONAL COMPLEX KIT FOX CONSERVATION MEASURES AYES: ALL
THE BOARD APPROVED THE PROJECT BUDGET OF \$7,000 FOR THE KIT FOX PROTECTION FENCE AND AUTHORIZES PUBLIC WORKS TO OBTAIN COMPETITIVE BIDS AND AWARD AYES: ALL

10:30 A. M.

UC MERCED DEVELOPMENT OFFICE - CONTINUED PUBLIC HEARING

To consider draft University Community Plan

REVIEW BOARD ORDER – SEE PAGE 11, 12 AND 13

PROVIDED STAFF DIRECTION AND CONTINUED THE PUBLIC HEARING TO DECEMBER 11, 2001 AT 1:30 P.M. AYES: ALL

PLANNING – PUBLIC HEARING – PROPOSED ORDINANCE, POSSIBLE ADOPTION

To consider an Ordinance entitled “To Remove the Term Limit Provisions of the Planning Commission” (Amends Chapter 2.32 of Code and Ordinance Nos. 1281, 1045 and 755)

REVIEW BOARD ORDER – SEE PAGE 14

APPROVED AND ADOPTED ORDINANCE NO. 1670 AYES: 1, 2, 3, 5
NOES: 4

1:30 P. M.

UC MERCED DEVELOPMENT OFFICE – PRESENTATIONS

Natural Communities Conservation Plan Request for Proposals – Authorize negotiations with designated vendor to be returned for Board approval

REVIEW BOARD ORDER – SEE PAGE 14 AND 15

APPROVED PROPOSAL PRESENTED BY EIP ASSOCIATES AND DIRECTED STAFF TO COME BACK TO THE BOARD FOR FINAL CONTRACT APPROVAL AYES: 1, 2, 3, 5 NOES: 4

REPORTS/BOARD DIRECTION

County Administrator

County Counsel

County Auditor

Board of Supervisors Members

LUNCH BREAK

CONSENT CALENDAR (Items #1 - 25)

APPROVED AS RECOMMENDED AYES: ALL

Travel Requests

1. Approve Travel Requests for Management Services and Probation as recommended by Administration.

Budget Transfers

2. Approve Budget Transfers for Health-\$1,800, \$5,600, \$350, \$530, Human Services Agency-\$12,560 and Private Industry Training Department-\$11,390 and Public Works-\$0 (#022).

Claims for Damages

3. Act on Claims for Damages received from Kristel Webb (2), Naomi Ochoa, John Clark and Jaime/Eva Guzman.

Public Works

4. Adopt Resolution authorizing the installation of a Stop Sign on Trovare Court at its intersection with Lake Road located in the Merced Rural Residential Center No. 1 area.
ADOPTED RESOLUTION NO. 2001-213
5. Adopt Resolution authorizing the installation of a stop sign on Sheffield Streets at its intersection with Shanks Road in the Delhi area.
ADOPTED RESOLUTION NO. 2001-214
6. Authorize assignment of Merced County Contract No. 99177 to Mapleton Communications LLC from Clarke Broadcasting for display advertising on the outside of Merced County Transits' fixed route buses and authorize the Chairman to sign the Assignment Acknowledgement on behalf of the County.
7. Approve and authorize Chairman to sign the following Renewal Contracts for Professional Consulting Services: 99124-Turley and Associates for Mechanical Engineering, 99125-Saito Associates for Landscape Architect, 99126-Kleinfelder, Inc. for Material Testing and Special Inspections, 99128-Peter Kwan Engineer for Electrical Engineering, 99129-Robert Wong Engineer for Structural Engineering, 99130-Certified Specialists for Hazardous Materials, 99161-Kleinfelder, Inc. for Geotechnical Engineering, 99201-Traffic Engineering Services for Traffic Signal Design and 9486-Wickum Construction for Bridge Maintenance.
8. Authorize Public Works, in conjunction with General Services, to solicit bids from general contractors and issue a Purchase Order to the lowest responsible bidder for the Main Administration Building Handrail and Guardrail Replacement Project and return to the Board with bid results.
9. Approve plans and specifications for the Automatic Sliding Doors at Human Services Agency-Building No. 1, authorize competitive bids in conjunction with General Services and award and issue a Purchase Order to the lowest responsive bidder so long as the cost is within the amount approved in the budget and report back to the Board.
10. Adopt Resolution authorizing Public Works Director and the Auditor to sign and file the Amended Local Transportation Funds Claim for the 2001-2002 FY with MCAG.
ADOPTED RESOLUTION NO. 2001-215
11. Approve and authorize Public Works Director to sign Amendment to Contract No. 10039 (Project Supplement No. 11) with URS Corporation for the Oakdale Road Bridge Project over the Merced River.

Planning

12. Approve and authorize Chairman to sign Addendums to Contract No. 99194 with Planning Partners (Consultants) and Contract No. 99193 with Michael Gallo (Project Applicant) for the review and processing of an Environmental Impact Report for the Yosemite Lakes Estates General Plan Amendment and approve the necessary budget transfers.
13. Approve and authorize the Chairman to sign the submitted Williamson Act Contracts with various property owners.

REVIEW BOARD ORDER – SEE PAGE 15, 16, 17, 18 AND 19

14. Set public hearing for December 11, 2001 to amend the Agricultural Preserve as per the requirements of the Land Conservation Act of 1965 (Williamson Act) Section 51200 et. seq. of the California Government Code.

Private Industry Training Department

15. Ratify appointment of Daryl Dupree to the WIB Youth Council.
16. Approve and authorize Chairman to sign Amendment to Contract No. 2001108 with Kings View Work Experience Center for funding for employment training to Kings View employees.

Treasurer-Tax Collector

17. Approve distribution of Excess Proceeds from the Public Auction held by the Tax Collector from the Sale of Tax-Deeded Property Sold Due to Failure to Pay Taxes on Real Property payable to claimants for APN 007-091-028, 090-170-077 and 090-170-079.

Health

18. Approve and authorize Chairman to sign Contract with Office of Traffic Safety for Expanded Safety Seat Program to include trainings throughout the County.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001271

Sheriff

19. Approve and authorize Chairman to sign Renewal Contract No. 8749 with Housing Authority of the County of Merced for additional security for the South Dos Palos-Global Avenue Homes.

Mental Health

20. Set public hearing for January 8, 2002 at 10:30 a.m. to consider An Ordinance amending the Fee Schedule for Mental Health Services.
21. Approve and authorize Chairman to sign Renewal Contract No. 2001254 with Dr. Phillip M. Hamm for special services related to required psychological evaluations of new employees.

Board Recognition

22. Authorize Certificate of Recognition to Edward Jones Investment Company on their Grand Re-opening and Ribbon Cutting.
23. Proclaim November 10, 2001 as “Marching Band Day” in the County of Merced.
24. Authorize Certificate of Recognition to Craig Smith for 32 years of service to the City of Merced.

25. Authorize Certificates of Recognition to individuals recognized by A Woman's Place of Merced County in recognition of their outstanding dedication and commitment to help eliminate Domestic Violence.

REVIEW BOARD ORDER – SEE PAGE 19

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

26. Authorize Public Works to work in conjunction with Tuolumne County and Cities Area Planning Council in the investigation of a possible relinquishment of La Grange Road (J59), lying within Merced County, into the State Highway System and to report back to the Board.

REVIEW BOARD ORDER – SEE PAGE 19

APPROVED AS RECOMMENDED AYES: ALL

27. Direct Public Works to prepare a plan for signage and permanent monumentation to designate an area of Courthouse Park square as "Veterans Memorial Plaza", said plan would indicate where signs would be placed, what would be on the signs and the type and size of construction, including cost estimates and to report back to the Board for approval of said plan in time for construction and implementation by Memorial Day, 2002.

APPROVED AS RECOMMENDED AYES: ALL

28. Authorize disbursement of \$1,500 from Special Board Project Funds-District No. Three to the City of Atwater Police Department to help with construction costs of the rappel tower in Atwater to be used by Valley Community School as part of the Confidence Building Program and approve budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

29. Authorize disbursement of \$8,500 from Special Board Project Funds-District No. One to the Road Fund #1020 for costs associated with the installation of a sidewalk along the eastside of Jefferson Street within the Community Park of Le Grand and approve related budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

30. Declare the rehabilitation of one of the wells at the Adult Correctional Facility an Emergency and authorize assess and rehabilitation and approve the necessary budget transfer. (#019)

APPROVED AS RECOMMENDED AYES: ALL

PUBLIC WORKS-CASTLE

31. Sublease Agreement between Merced County and Jose A. Gamboa dba Filipino Farms and Merchants Cooperative for Building No. 411.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001259 AYES: ALL

32. Special Services Contract with Weather NAV Incorporated for regular and emergency maintenance of Instrument Landing System (ILS) and Automated Weather Observation (AWO) required by FAA and FCC and authorize Public Works Director to sign the Contract on behalf of the County.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001260 AYES: ALL

33. Termination of Rental Contract No. 2001109 with Sky King approved by the Board on June 5, 2001 for one Hangar Bay in Building 1350 effective November 1, 2001.

APPROVED TERMINATION AS RECOMMENDED AYES: ALL

34. Sublease Addendum for Contract No. 2000228 for Challenger Learning Center Foundation, Building No. 1015 for Fiber Optic Network Equipment Facility.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000228 AYES: ALL

35. UC Merced Facility Repair, maintenance and minor remodeling of Castle Airport Building No. 1200 and approve necessary Budget Transfer requiring the Regents of the University of California to deposit an additional \$397,900 increasing the total Project Budget from \$769,000 to \$1,166,900 and authorize Public Works Director to sign Contract No. 2001253 with Metropolitan Builders for Building No. 1200.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

36. Renewal Contract No. 200122 with Michelle Pecchenio for Registered Dietician Consultant Services for the Nutrition Program and approve necessary Budget Transfer. (4/5 Vote Required) (Held Over from November 6, 2001 pending Majority of the Board present)

APPROVED AS RECOMMENDED AYES: ALL

37. Adopt Resolution in support of the Eastside Water District Groundwater Recharge Program and support for State Grant Funds to implement a Recharge Program.

ADOPTED RESOLUTION NO. 2001-216 AYES: ALL

BUSINESS-ECONOMIC OPPORTUNITIES

38. Central Valley Infrastructure Grant Program (CVIGP) – selection of project for submission and direct staff to prepare selected Grant application and return to the Board for final approval.

REVIEW BOARD ORDER – SEE PAGE 19 AND 20

AWARDED GRANT TO WINTON/CASTLE AREA AYES: ALL

PRIVATE INDUSTRY TRAINING DEPARTMENT

39. Contract with Wm. Bell & Company to provide logo and business systems for the Workforce Investment Board at a cost not to exceed \$10,210.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001256 AYES: ALL

GENERAL SERVICES

40. Contract with Grossman-Rucker Industrial for office space for Mental Health-Alcohol and Drug Services operations.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001261 AYES: ALL

INFORMATION SYSTEMS

41. Authorize the Director of Information Systems to initiate live audio broadcasts of all Board of Supervisors Meetings to the Internet.
APPROVED AS RECOMMENDED AYES: ALL

LIBRARY

42. Authorize transfer of \$14,310 from Merced Library Trust Fund to Revenue Account 97992 to increase the encumbrance of Library Account 88364 and authorize issuance of Purchase Order to Checkpoint Systems, Inc. for the Upgrade of the Merced Library Book Theft Security System and for the installation of the Security System at the Atwater Branch Library.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001262 AYES: ALL

43. Authorize transfer of donations from the Library Trust Funds to the Book Budget in the amount of \$51,940.

APPROVED AS RECOMMENDED AYES: ALL

PLANNING

44. Contract with McDonough, Holland & Allen to complete a new Redevelopment Feasibility Study to include: review the recommendations of the 1999 Redevelopment Feasibility Study for unincorporated communities in the County and revise as appropriate; provide analysis of costs and benefits of forming a redevelopment agency or project areas under a variety of alternative arrangements; investigate the feasibility of including the Castle Airport, Aviation and Development Center in a County Redevelopment Agency and identify appropriate recommended operational and staffing levels and procedural steps if the County pursues formation of a redevelopment agency.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001263 AYES: ALL

- 44a. Contract with Santa Fe Aggregates for payment of costs related to preparing an EIR and processing of the Bettencourt Ranch Mine Application, contract with EIP Associates for professional environmental review and permit processing services on Bettencourt Ranch Mine Application and approve budget transfer.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001257 WITH SANTA FE AGGREGATES, INC. AND CONTRACT NO. 2001258 WITH EIP ASSOCIATES, INC.
AYES: ALL

MENTAL HEALTH

45. Contract with CompHealth Inc. for temporary placement of psychiatrist to cover the duties of full-time existing positions and current vacancies for the period of November 26, 2001 through June 30, 2002.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001264 AYES: ALL

SHERIFF

46. Approve amended class specifications for Sheriff Commander-Operations.

REVIEW BOARD ORDER – SEE PAGE 20
CONTINUED TO NEXT BOARD MEETING FOR FURTHER CONSIDERATION
AYES: ALL

47. Contract with Marshal Department for supervision of the Weekender Program, Contract between Merced College and the Sheriff Department for the College to provide Staff and Instructional Aids to the Inmates assigned to the Weekender Program for period of October 1, 2001 through June 30, 2002 and Contract between Merced College and Marshal Department to provide Staff and Instructional Aids to the Inmates assigned to the Weekender Program for period of July 1, 2001 through September 30, 2001.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001266 WITH MERCED COLLEGE AND SHERIFF'S DEPT., CONTRACT NO. 2001267 WITH MERCED COLLEGE AND MARSHAL OFFICE, CONTRACT NO. 2001268 WITH MARSHAL OFFICE AYES: ALL

47a. Authorize the Sheriff to pay for related expenses to the Mounted Enforcement Unit for horse shoeing and bridal/rein repair and direct Administration and Sheriff to further review and establish policy related to the Mounted Enforcement Unit and to return to the Board with recommendations.

APPROVED AS RECOMMENDED AYES: ALL

ADMINISTRATION

48. Contracts with Steven R. Davis and Matthew Tuttle for Contract Public Defender Services.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001269 WITH MR. MATTHEW TUTTLE AND CONTRACT NO. 2001270 WITH MR. STEVEN R. DAVIS AYES: ALL

49. Accept retirement resignation of Bob Freitas, Merced County Marshal, effective September 6, 2002 and direct Administration to research alternatives for future organization of Marshal functions with recommendations to be included with the FY 2002/03 Proposed Budget.

APPROVED AS RECOMMENDED AYES: ALL

APPOINTMENTS

50. Board of Supervisors re: Committees/Commissions and Board Recommendations.
In Home Supportive Services Advisory Committee

APPOINTED TRACI WICKSTROM, REPRESENTING DISTRICT NO. 3 AND ELNORA REED, REPRESENTING DISTRICT NO. 4, TO SERVE AS MEMBERS OF THE IN-HOME SUPPORTIVE SERVICES ADVISORY COMMITTEE UNTIL JULY 3, 2004 AYES: ALL

Delhi Municipal Advisory Council

APPOINTED JUANITA QUEJADO TO SERVE AS A MEMBER OF THE LOS BANOS CEMETERY DISTRICT UNTIL JUNE 7, 2005 AYES: ALL

Los Banos Cemetery District

APPOINTED CLAUZELLA SAUCER AND RICHARD JANTZ TO SERVE AS MEMBERS OF THE DELHI MUNICIPAL ADVISORY COUNCIL UNTIL JANUARY 3, 2003 AYES: ALL

BOARD INFORMATION AND POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

51. Family Support re: Family Support Division receives Award by the Western Interstate Child Support Enforcement Council.

52. Supervisor Deidre Kelsey re: Countywide Agricultural Preservation Policy.
53. City of Merced re: Response regarding the formation of an Interagency Coordination Group for issues related to the University of California, Merced.
54. San Joaquin Valley Unified Air Pollution Control District re: Notice of Public Hearing – Approval of proposed 2001 Amendment of 1994 Ozone Attainment Demonstration Plan.
55. San Joaquin Valley Air Pollution Control District re: Bay Area 2001 Ozone Attainment Plan.
56. Calif. Dept. of Child Support Services re: Child Support Legislation 2001-2002.
57. State Board of Corrections re: Clarification of recent actions related to the Juvenile Justice Crime Prevention Act. – SB 736.
58. State Board of Corrections re: Comprehensive Multi Agency Juvenile Justice Plan Modifications Second Allocation 2002-2003. (On file with Clerk)
59. U.S. Dept. of Commerce re: 2002 Census of Governments.
60. State Wildlife Conservation Board re: Notice of Meeting set for November 28, 2001. *East Merced Vernal Pool Grassland Preserve, Expansion 4-Merced County.
61. State Board of Equalization re: Notice of Sonoma County merging the Assessor's Department with the County Clerk/Recorder Department.
62. Governor's Office of Emergency Services re: Notification of granting a Secretarial disaster designation for the County of Madera and five contiguous counties due to agriculture loses caused by freezing temperatures that occurred April 4 through April 20, 2001 (Eligible Contiguous Counties-Fresno, Mariposa, Merced, Mono and Tuolumne).
63. The Trust for Public Land (TPL) re: Distribution of the *State of California Rivers* to our conservation partners across California. (On file with Clerk)

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF DR. ED TETANGO, JOSEPH MARTINEZ AND MARIA MERAZ UNTIL TUESDAY, DECEMBER 11, 2001 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – NOVEMBER 20, 2001

10:00 A. M. SCHEDULED ITEM **2001-11-20 PUBLIC OPPORTUNITY**

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

Stephanie Espinosa, Public Affairs with PG&E, submits a News Release regarding Property Tax Payments to Local Governments.

Bill and Donna Sigh, Merced residents, submits a letter to the Board dated November 19, 2001 regarding Almond Crest Estates Application No. 00006.

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

10:00 A. M. ADDED AGENDA ITEM **2001-11-20 PUBLIC WORKS/PROBATION**

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board finds the need arose, subsequent to the posting of the agenda, to consider a conservation measure for the Juvenile Justice Correctional Complex.

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board approves the Project Budget of \$7,000 for the Kit Fox Protection Fence for the Juvenile Hall Correctional Complex and authorizes Public Works to obtain competitive bids and award and execute a Purchase Order – Contract No. 2001274 to the lowest responsible bidder so long as the bid is within the amount budgeted.

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

10:30 A.M. SCHEDULED ITEM **2001-11-20 UC MERCED – CONTINUED PUBLIC HEARING**

The time and date previously set for a continued Public Hearing to receive public comment on the Draft University Community Plan submitted by the UC Merced Development Office.

UC Merced Planning Director Robert Smith reviews the Staff report.

The Chairman states the matter was continued to allow public input and asks if there is anyone present that wishes to speak.

Les McCabe comments and discusses the No Loss of Prime Farmland Alternative and the EIR on page 5 through 13.

The Board discusses the Storie Index and prime agricultural land in the area.

Nancy Slater, Executive Director of Merced County Farm Bureau, reviews written comments on the community plan and EIR and comments on the No Loss Farm Land Alternative and speaks in support of mitigation of loss of prime agricultural land.

Marshall Krupp, Consultant representing Madera and Merced City School District, speaks addressing the impact on land use plan of school facilities and the district and comments on the letter to Counsel dated November 7, 2001 requesting a legal opinion.

The Chairman advises for the record, the letter has been received from Marshall Krupp and the possibility of the legal opinion would be at the discretion of the Board.

Mr. Krupp reads the policy of the school district and legal remedies pursued for the district stating the district does support the University coming into the community and the University Community Plan with language in place that deals with the school district policy.

Terry Bates, representing the Virginia Smith Trust, speaks in support of the proposed changes and urges the Board to adopt the phasing as discussed.

Woodie Tescher, Director of Urban Planning and Design-EIP Associates, reviews the boundaries and choices in the Draft University Community Plan and the Planning Commission revisions.

Supervisor Kelsey requests relationships between the cities be considered.

Discussion is had on the University Community Plan and the EIR development.

Mr. Tescher reviews major ownerships and fragmented ownerships.

The Board discusses Bellevue and Golf Road development, agriculture land development, schools capacity, protection and preservation of agriculture land and the Hunt proposal.

Attorney Walter Keeser reviews the economics and merits of phasing, key issues, growth inducing impacts, securing financing districts, wastewater disposal, infrastructure, market and finance issues.

Supervisor Kelsey discusses the community configuration and requests further exploring this with property owners, proposal boundary setbacks, major sprawl and agriculture land conversion issues, long range development and impacts.

Following a lengthy discussion, Supervisor O'Banion moves, seconded by Supervisor Crookham, to incorporate the recommended configurations from the Planning Commission for further consideration.

Supervisor Kelsey requests the following language be included in the motion:

To request that UC Merced Office or EIP contact property owners and share the information provided on the East West alternative to allow further discussion on the plan and to contact the federal agencies that have wetlands jurisdiction for their input and opinion.

The Chairman calls for a Motion on the Floor as stated with included language.

Motion Carries.

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

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Later in the day, Supervisor Kelsey requests clarification on the motion for the Continued Public Hearing to receive public comment on the Draft University Community Plan submitted by the UC Merced Development Office.

Supervisor O'Banion clarifies the motion and Supervisor Kelsey states that is not the motion as she understood it earlier.

Following further discussion, Supervisor O'Banion moves, the action be rescinded as voted on earlier in the day. The Board agrees and the Motion is withdrawn.

Following a lengthy discussion, Supervisor Cortez Keene moves, seconded by Supervisor O'Banion, the Board accept the configuration and recommendation revisions done by the Merced County Planning Commission and allow staff to contact the property owners on the East/West alternative and get their input, in addition to other federal agencies with this information to come back to the Board with results.

The Chairman calls for a Vote on the Motion. Supervisor Kelsey abstains.

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

Abstains: Kelsey

Following further discussion and upon motion of Supervisor Crookham, seconded by Supervisor Rivero, duly carried, the Board directs Staff to continue negotiations with Merced City School District in coming up with something that is agreeable to both parties and bringing it up at the next Board meeting.

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

Following further discussion and upon motion of Supervisor Crookham, seconded by Supervisor Kelsey, duly carried, to bring back to the Board detailed development phasing as can be brought back under the circumstances with assurance that the Virginia Smith Trust is not forgotten in the process.

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

10:30 A.M. SCHEDULED ITEM
2001-11-20 PLANNING – PUBLIC HEARING

The time and date previously set for a Public Hearing to consider a Proposed Ordinance to Remove the Term Limit Restriction for the Merced County Planning Commission (Amends Ordinance Nos. 755, 1045, 1281 and Chapter 2.32 of the County Code) submitted by Planning and Community Development Department.

Planning Director Bill Nicholson reviews the Staff Report and recommends approval.

The Chairman asks if there is anyone present that wishes to speak in favor or opposition to the proposed ordinance.

Diana Westmoreland-Pedrozo, on behalf of the California Women for Agriculture and Farmlands Trust, requests the Board retain term limits to offer other people a chance to serve on the Board and not limit the membership.

Nancy Slater, Merced County Farm Bureau, states the elimination of the term limits would eliminate the opportunity of involvement in the community, possibly shuts off the opportunity for others to serve and leaves the notion that these are the only people that are capable and qualified which is inconsistent with sound public policy.

Following discussion, Supervisor O'Banion moves, seconded by Supervisor Rivero, the Board adopt the ordinance as presented and adopts Ordinance No. 1670 – An Ordinance to Remove the Term Limit Provisions of the Merced County Planning Commission (Amends Ordinance No. 1281, 1045, 755 and Chapter 2.32 of the County Code).

Supervisor Kelsey votes “no”. Motion carries.

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

Noes: Kelsey

1:30 P.M. SCHEDULED ITEM
2001-11-20 UC MERCED – NATURAL COMMUNITIES CONSERVATION PLAN/HABITAT CONSERVATION PLAN

The time and date previously set to consider Request for Proposals for a Natural Communities Conservation Plan/Habitat Conservation Plan submitted by UC Development Project Director.

UC Merced Development Project Director Greg Wellman reviews the Staff report stating the Vendors are present today to present an overview of their proposals and to answer questions. Mr. Wellman states EIP & Associates submitted a comprehensive proposal encompassing all tasks requested and O'Reilly Public Relations submitted a proposal specifically directed to Task 2 only.

Bill Zebran, President of EIP & Associates, appears before the Board and reviews the Eastern Merced County Natural Communities Conservation Plan/Habitat Conservation Plan and Environmental Impact Report/Environmental Impact Statement prepared and submitted by EIP.

Patrick O'Reilly, O'Reilly Public Relations, appears before the Board and reviews the Proposal submitted specifically directed to Task 2, "Public Participation Plan".

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, the Board accepts the contract from both entities and supports the combining of efforts into one contract to be brought back to the Board.

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

Supervisor Cortez Keene, Crookham and O'Banion vote "no". Motion Fails.

Ayes: Rivero, Kelsey

Noes: Cortez Keene, Crookham, O'Banion

Following further discussion, Supervisor O'Banion moves, seconded by Supervisor Rivero, the Board approve the proposal presented by EIP & Associates and direct Staff to go forward with negotiation for agreement for the entire project.

Supervisor Kelsey states she represents the largest area that is covered by the NCCP and has concerns about objectivity.

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

Supervisor Kelsey votes "no". Motion carries.

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

Noes: Kelsey

CONSENT ITEM NO. 13

2001-11-20 ASSESSOR / PLANNING

Upon motion of Supervisor Kelsey, seconded by Supervisor Rivero, duly carried, the Board approves and authorizes the Chairman to sign the following contracts for Williamson Act designation:

WA2001-0001 (053-120-024) with Mark J. Kellogg, Jr., Trustee;

WA2001-0002 (074-080-016 AND 074-040-015) with Castle Duck Club;

WA2001-0003 (075-110-040, 075-110-042, 075-110-041 and 067-080-004) with Neil Gonella;

WA2001-0004 (042-280-010, 042-280-011 and 042-230-027) with Stanley and LaVerne Johnson, Trustees;

WA2001-0005 (042-280-012 and 042-230-043) with Stanley and LaVerne Johnson, Trustees and Craig and Maureen Johnson;

WA2001-0006 (038-010-012) with William, Dorothy, Daniel and Jill C. Mallory;

WA2001-0007 (017-170-008 and 049-030-002) with Rajinder S. and Anand S. Takhar;

WA2001-0008 (059-171-004) with Howard, Julia and John Eric Larson;

WA2001-0009 (063-240-026) with Janet E. Silva;

WA2001-0010 (045-020-021) with Antone S. Dias;

WA2001-0011 (038-040-021, 038-040-022, 038-040-020, 038-040-019 AND 038-040-018) with Silver Creek Ranch, A General Partnership;

WA2001-0012 (088-100-052) with Harry Fawcett/Fawcett Ranches;

WA2001-0013 (069-130-036) with Buchanan Hollow Fig Co. Inc., A Partnership;
WA2001-0014 (041-180-001) with Hartley and Joanne Spycher, Co-Trustees, et al;
WA2001-0015 (042-030-029) with Elaine, Joseph James and Everette A. Vieira, Jr.;

WA2001-0016 (090-070-008, 090-070-010, 090-070-011, 090-080-006, 090-080-007, 090-080-008, 090-080-009, 090-080-011, 090-080-024, 090-090-003, 090-090-004, 090-090-006, 090-090-007, 090-090-008, 090-090-009, 090-100-001, 090-100-032, 090-100-003, 090-100-005, 090-100-006, 090-100-007, 090-100-008, 090-100-009, 090-100-010, 090-110-002, 090-110-003, 090-110-004, 090-110-005, 090-110-006, 090-110-008, 090-110-009, 090-110-010, 090-120-001, 090-120-002, 090-120-003, 090-120-004, 090-120-006, 090-120-007, 090-120-008, 090-120-009, 090-120-010, 090-120-011, 090-120-012, 090-170-005, 090-170-006, 090-170-012, 090-170-014, 090-170-015, 090-170-021, 090-170-035, 090-220-002, 090-220-003, 090-220-008, 090-220-010, 090-220-039, 090-290-002, 090-290-005, 090-290-006, 090-290-008, 090-290-009, 090-290-012, 090-290-013, 090-290-014, 090-290-015, 090-300-001, 090-300-002, 090-300-003, 090-300-004, 090-300-005, 090-300-006, 090-300-011, 090-300-012, 090-300-013, 090-300-014, 090-300-015, 090-310-002, 090-310-004, 090-310-006, 090-310-010, 090-320-001, 090-320-005, 090-340-001 and 090-340-004) with Bidart Bros., A Calif. Corporation;

WA2001-0017 (143-200-009) with Mitchell Land and Improvement Company;

WA2001-0018 (045-200-011, 045-190-039, 045-100-033 and 045-100-068) with John M. and Raquel M. Azevedo;

WA2001-0019 (069-020-005, 069-030-001, 069-030-002, 069-030-003, 069-040-001, 069-040-002, 069-040-005, 069-040-006, 069-040-007, 069-040-008, 069-050-001, 069-050-002, 069-050-008, 069-050-004, 069-060-002, 069-60-004, 069-060-005, 069-060-007, 069-060-008, 069-060-011, 069-210-005, 069-210-009, 069-210-010, 069-220-011, 069-230-003, 069-230-007, 069-230-008, 069-230-009, 069-230-012, 069-230-013, 069-230-014, 069-230-015 and 069-240-033) with Manuel G. Moitozo;

WA2001-0020 (046-210-012) with Alicia M. Cochrane, Trustee of the Cochrane Family 1995 Trust;

WA2001-0022 (070-020-012) with J. P. Bunker Ranches, L.P.;

WA2001-0023 (063-190-028) with J. P. Bunker Ranches, L.P.;

WA2001-0024 (042-040-006) with Montpelier Orchards;

WA2001-0025 (042-020-042, 038-140-004 and 038-040-012) with Kenfied and Janette L. Alldrin and Steven and Jennie Zeff;

WA2001-0026 (042-020-041, 042-020-031, 042-020-032, 042-160-007, 042-160-037) with Alldrin Revocable Trust;

WA2001-0028 (046-040-003 and 046-040-024) with Tony and Susana Moules;

WA2001-0029 (085-340-021 and 085-280-032) with Wesley E. and Lynda H. Harder, Trustees of the Harder Family Trust dated March 1, 1993;

WA2001-0031 (043-040-002, 043-030-003, 043-030-007, 043-030-011, 043-030-013, 043-030-014, 043-030-015, 043-030-016 and 043-030-017) with Robert L. and Orpha A. Bright, Trustees of Bright Revocable Trust;

WA2001-0032 (068-010-009) with Ronald L. Richards;

WA2001-0033 (059-190-007) with Randy and Lauri Heberline;

WA2001-0034 (069-190-057) with Jill R. Healy, Trustee;

WA2001-0035 (056-040-049) with Surjit & Surinder Nagra;

WA2001-0037 (075-060-007, 075-060-008, 075-060-016 and 075-060-042) with Louis and Maria Tarasco;

WA2001-0038 (143-180-033) with Gurchetans Samra;

WA2001-0040 (083-230-032 and 083-230-033) with Arnold and Stanley Freitas, Trustees;

WA2001-0041 (083-230-031, 083-230-030, 083-230-022 and 083-230-019) with Arnold Freitas, Trustee of the Freitas Family 1995 Trust and Melvin and Stanley Freitas (Trustee of the Freitas Family 1997 Trust);

WA2001-0042 (085-180-013 and 085-180-019) with Thomas Kaljian, Trustees and David Hoyt, Special Trustee;

WA2001-0045 (067-007-013 and 067-006-039) with Allan and Gloria Thomas (Trustees of the Thomas 1997 Family Trust);

WA2001-0046 (045-220-005) with Norman J. and Gloria Bettencourt;

WA2001-0047 (045-100-011) with Rose L. Deus Trust;

WA2001-0048 (045-140-002) with Rose L. Deus Trustee, Joseph and Steven Deus and Gloria Bettencourt;

WA2001-0049 (045-100-012) with Rose L. Deus;

WA2001-0050 (085-330-016 and 085-030-003) with Augie and Jill Scoto;

WA2001-0051 (056-120-019, 049-120-006, 056-120-020, 056-170-001, 056-120-016 and 049-130-004) with White Crane Ranch, Inc.;

WA2001-0052 (056-040-084) with Andrew J. and Debra K. Koehn;

WA2001-0053 (067-030-010, 067-030-018, 067-030-019, 067-030-020 and 067-030-021) with Joe and Kathleen Scoto;

WA2001-0054 (059-590-019) with Joe and Kathleen Scoto;

WA2001-0056 (049-030-028) with Norma J. Koehn, Trustee;

WA2001-0057 (045-050-016) with Raymond Ferreira;

WA2001-0058 (056-040-022) with Raymond Ferreira;

WA2001-0059 (042-050-029) with Donald T. and Saralee Ulrich;

WA2001-0060 (067-006-260, 067-006-037 and 053-020-015) with Arlan and Julie Thomas;

WA2001-0062 (068-230-027) with Arlan and Julie Thomas;

WA2001-0063 (070-100-014 and 070-090-004) with Eugene J. and Carolyn D. Vierra;

WA2001-0064 (063-250-048, 063-250-049 and 063-250-033) with Manuel and Mariana Lopes;

WA2001-0065 (068-170-014 and 068-170-015) with JAMKE, A California General Partnership;

WA2001-0067 (074-110-022) with Antonio and Alexandrina Azevedo;

WA2001-0068 (056-380-025 and 056-120-008) with Antonio and Stella Jorge;

WA2001-0069 (053-100-004) with Arlan and Julie Thomas, Trustees;

WA2001-0070 (074-160-040, 074-160-019 and 074-160-039) with Guilherme T. and Teresa

Brazil;

WA2001-0071 (052-020-012) with Jose and Evangelina Pereira, Trustees of the Pereira Family 2001 Trust;

WA2001-0072 (045-040-017) with Marcus A. Dias;

WA2001-0073 (085-380-002) with The Smith Family Trust of 1997, Theodore and Nicola Smith and Kenneth and Antonia Ebner, Trustees;

WA2001-0074 (042-110-018 and 042-110-026) with Gail and Jennifer Pitts;

WA2001-0075 (042-110-023; 042-110-026) with Gail R. Pitts and Jennifer Mendoza and Gail Pitts Life Estate;

WA2001-0076 (042-130-013) with Gail R. Pitts, Trustee of the Jim Pitts Trust;

WA2001-0077 (042-050-025, 042-050-026, 042-050-027 and 042-050-028) with Gail R. Pitts, Jennifer Pitts-Mendoza and Rancho Pie Negro, LLC;

WA2001-0078 (042-030-012 and 042-030-015) with Gail R. Pitts, Trustee of the Jim Pitts Trust;

WA2001-0079 (046-170-002) with Andrew and Linda Littlejohn;

WA2001-0080 (041-120-033) with Howard and Alice A. Taniguchi;

WA2001-0081 (043-070-004 and 140-160-005) with Tony, Jr. and Allen W. Silvera;
 WA2001-0082 (140-160-004) with Allen and Heather G. Silvera;
 WA2001-0083 (042-120-015) with David and Christine Long, Trustees;
 WA2001-0084 (059-171-011) with Apolinar B. and Janice I. Sotelo;
 WA2001-0085 (085-360-002) with John L. Locatelli;
 WA2001-0086 (073-400-015 and 085-270-010) with Gabriel and Evelyn Locatelli;
 WA2001-0087 (042-050-001 and 046-150-010) with Dirkse Farms;
 WA2001-0088 (052-090-019) with Joseph Lemos Vargas;
 WA2001-0089 (140-150-023) with Monico and Loretta Robles;
 WA2001-0090 (049-060-068) with David Richman;
 WA2001-0092 (056-260-039) with Sukhden S. and Sukhjinder K. Rai;
 WA2001-0094 (068-010-021, 067-060-018, 068-010-019, 068-010-020 and 068-230-004)
 with James G. Frazier, Irrevocable Trust;
 WA2001-0095 (042-130-006 and 067-010-033) with Frazier Vina Partnership;
 WA2001-0096 (042-020-044) with Steven Sperry, Robin Cole, James Frazier and Steven
 Slacks DBA Yosemite Orchards, Inc.;
 WA 2001-0098 (056-180-005, 056-180-009, 056-170-012 and 056-170-013) with Brian K.
 Riddle, Bridget A. Lara-Riddle and Edward and Charlene Lara;
 WA2001-0099 (045-250-039) with Richard Luis Rodriguez;
 WA2001-0100 (042-050-030) with Dirk A. and Joyce D. Ulrich;
 WA2001-0101 (067-050-045, 067-080-024 and 067-080-022) with Aaron and Nancy
 Johnson;
 WA2001-0102 (085-280-033, 085-170-046 and 085-340-022) with Gregory L. and Marcia L.
 Pearl;
 WA2001-0104 (069-280-009 and 069-280-008) with John G. and Donna M. Relvas;
 WA2001-0105 (070-070-041) with Howard E. and Jean E. Stephens, Co-Trustees;
 WA2001-0106 (049-060-017 and 049-060-018) with Gene and Patricia Beach;
 WA2001-0107 (143-060-002 and 143-060-003) with Roger D. and Velma K. Jantz;
 WA2001-0108 (081-060-060) with Rafael and Emily Pacheco;
 WA2001-0109 (075-110-039) with Fernando DaSilva and Jose Rodriguez;
 WA2001-0110 (074-110-033) with Jose Rodriguez;
 WA2001-0111 (059-370-028) with Joaquin M. and Celina Mancebo, Trustees;
 WA2001-0112 (140-050-015) with Mary-Ellen J. Himmelstoss, Revocable Trust;
 WA2001-0113 (067-070-004 and 067-070-012) with Martin M. Hadley;
 WA2001-0114 (064-080-021, 067-080-020, 067-070-001, 067-060-011 and 067-050-030)
 with Martin M. and Constance M. Hadley;
 WA2001-0115 (070-030-002) with Palmira C. Treshler, Trustee;
 WA2001-0116 (038-080-003 and 038-100-001) with Lori Pareira-Alcaraz;
 WA2001-0117 (042-150-016, 042-150-017, 042-170-007 and 042-150-004) with David M.
 and Diane M. Alves, Co-Trustees;
 WA2001-0118 (069-140-008, 069-110-006 and 070-030-021) with David M. and Diane M.
 Alves, Co-Trustees and Successors to Daniel and Mary Alves;
 WA2001-0119 (073-200-040, 073-200-006, 073-200-022, 073-160-007 and 073-160-008)
 with Den-K Holsteins, Inc.;
 WA2001-0120 (073-190-002, 073-170-006, 073-170-010 and 088-150-012) with James A.
 and Dolores A. Aerias Trustees;
 WA2001-0121 (069-130-011) with Masi Corporation;
 WA2001-0122 (042-002-043, 042-002-045 and 038-001-020) with Jeffery S. Sperry;
 WA2001-0123 (041-140-017) with Harmony E. Cherry;

WA2001-0124 (067-180-007, 067-180-011, 067-180-012, 067-180-015 and 067-180-016) with David and Roseann Serrano, Trustees;
WA2001-0125 (054-090-003) with Michael A. Robinson;
WA2001-0126 (069-200-004) with William Joseph and Trudie M. Treshler;
WA2001-0127 (073-400-011, 085-270-012 and 085-360-023) with Borel Bank and Trust Company, Trustee of the Jean LeRoy Family Trust;
Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

CONSENT ITEM NO. 25

2001-11-20 BOARD OF SUPERVISORS

Upon motion of Supervisor Kelsey, seconded by Supervisor Rivero, duly carried, the Board authorizes Certificates of Recognition to the following individuals in recognition of Nomination of Awards by A Woman's Place of Merced County and for outstanding dedication and commitment to help eliminate Domestic Violence: Detective Sean O'Herin, Atwater Police Department; Officer Lisa Schnoor, Dos Palos Police Department; Detective Vince Inaudi, Gustine Police Department; Officer Reece Hail, Livingston Police Department; Officer Roger McIntyre, Merced City Police Department; Officer Richard Campbell, Los Banos Police Department; Deputy Probation Officer Rosa Ramirez, Merced County Probation Department; Deputy District Attorney Michelle Vogel, Merced County District Attorney's Office and Deputy Sheriff Mike Parrish, Merced County Sheriff's Department; William Davidson, Merced County Probation Department and Chief Michael Hughes, Los Banos Police Department, "Most Progressive Law Enforcement Leaders of the Year."

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

BOARD ACTION ITEM NO. 26

2001-11-20 PUBLIC WORKS

Supervisor Crookham moves, seconded by Supervisor Rivero, the Board authorize Public Works to work in conjunction with Tuolumne County and Cities Area Planning Council in the investigation of a possible relinquishment of La Grange Road (J59), lying within Merced County, into the State Highway System and to report back to the Board.

Following discussion, Supervisor Kelsey requests amendment to the Motion to include the Snelling area citizenry in the discussions.

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

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

ACTION ITEM NO. 38

2001-11-20 BUSINESS-ECONOMIC OPPORTUNITIES

Business-Economic Opportunities Director John Fowler reviews the Staff Report and submits and reviews the Listing of Potential Projects for the AB 31 Grant Program.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board awards the Grant to the Winton/Castle area under the Central Valley Infrastructure Grant Program and directs staff to prepare the Project Application and return to the Board on December 11, 2001 for final approval.

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

ACTION ITEM NO. 46
2001-11-20 SHERIFF

Supervisor Rivero moves, seconded by Supervisor Kelsey, the Board amend the class specification for Commander-Operations position for the Sheriff Department.

Hank Strength, Assistant Sheriff, reviews the Staff Report stating the Sheriff is requesting the minimum qualifications for Commander-Operations be changed to allow for a larger pool of assigned Sheriff Sergeant and Senior Sergeant staff to meet the minimum qualifications for consideration for promotion.

Supervisor O'Banion states he cannot support the recommendation before the Board stating this appears to be a special circumstance as an employee can receive the appropriate education and meet the eligibility requirements rather than amending standards.

Assistant Sheriff Hank Strength states the requested changes include acceptance of POST supervisor training instead of a Supervisor Certificate and the ability to substitute one-year additional work experience for 15 of the 60 college units required.

Following a lengthy discussion and upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board continues the matter until the next Board Meeting and carries the motion with the continuance.

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