



# SUMMARY ACTION MINUTES

## MERCED COUNTY BOARD OF SUPERVISORS

### Regular Meeting

**TUESDAY, FEBRUARY 26, 2002**

Closed Session – 8:00 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

GLORIA CORTEZ KEENE.....DISTRICT 1  
KATHLEEN M. CROOKHAM....DISTRICT 2  
CHAIRMAN 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**

8:00 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: Four 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: Bryant vs. County of Merced

**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), Unit 8; Merced County Sheriff Employee Association (MCSEA), Unit 2 and Merced County Law Enforcement Sergeants, Unit P

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

**PUBLIC EMPLOYEE(S) PERFORMANCE EVALUATION**

Title: Director of Public Health

Title: Director of Public Works

**THE BOARD RECONVENED AT 10:20 A.M. WITH ALL MEMBERS PRESENT AND THE CHARIMAN ADVISED DIRECTION WAS GIVEN TO STAFF**

10:00 A. M.

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

Rev. Jim Hoffman - Westside Community Church, Los Banos

**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: Bryant Owens, Chris Stetsko, and Clayton Smith**

**UC MERCED PROJECT - LIAISON REPORT**

**RECEIVED REPORT FROM UC LIASON KATHLEEN CROOKHAM**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Administration-\$3,572 and Health-\$23,176 and Indigent Health Care Programs-\$610,500**

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR (Item # 1-23)**

**APPROVED AS RECOMMENDED WITH CONSENT ITEM NO. 8 BEING PULLED FROM CONSIDERATION AYES: ALL**

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

**ADDED AGENDA ITEM:**

**REVIEW BOARD ORDER - SEE PAGE 10**

**THE BOARD FINDS THE NEED, SUBSEQUENT TO THE POSTING OF THE AGENDA, TO CONSIDER AN AMENDMENT TO A CONTRACT WITH A WOMEN'S PLACE AYES: ALL**

**THE BOARD APPROVES AND AUTHORIZES THE CHAIRMAN TO SIGN AMENDMENT TO CONTRACT NO. 9966 WITH A WOMEN'S PLACE INCREASING THE FUNDING IN THE AMOUNT OF \$149,328 AYES: ALL**

10:30 A. M.

**PUBLIC WORKS - PUBLIC HEARING**

To consider Termination of Maintenance of a portion of Bailey Avenue, east of and intersecting with Applegate Road in the Atwater area

**REVIEW BOARD ORDER - SEE PAGE 10**

**APPROVED AS RECOMMENDED AYES: ALL**

**PLANNING - PUBLIC HEARING**

To consider 2002 Community Development Block Grant (CDBG) Program, General and Native American Allocation and Economic Development Allocation

**REVIEW BOARD ORDER - SEE PAGE 10**

**HEALTH - PROPOSED ORDINANCE - FIRST READING - SET SECOND READING AND POSSIBLE ADOPTION FOR MARCH 12, 2002**

To consider an Amendment to Ordinance No. 1620 establishing Merced County Children and Families First Commission

**REVIEW BOARD ORDER - SEE PAGE 11**

**THE BOARD CONTINUES THE PROPOSED ORDINANCE TO MARCH 12, 2002 AT 10:30 A.M. AYES: 2, 3, 4, 5 NOES: 1**

**BOARD OF SUPERVISORS - PROPOSED ORDINANCE - FIRST READING - SET SECOND READING AND POSSIBLE ADOPTION FOR MARCH 12, 2002**

To consider Amendment to Ordinance pertaining to the County Executive Officer and the Duties, Responsibilities, Authority and Qualifications Thereof (Amends Ordinance Nos. 867, 1138, 1507 and 1671)

**REVIEW BOARD ORDER - SEE PAGES 11 AND 12**

**THE BOARD CONTINUES THE PROPOSED ORDINANCE TO MARCH 12, 2002 AT 10:30 A.M. AYES: ALL**

**PLANNING - PUBLIC HEARING (PUBLIC HEARING HAS BEEN CONTINUED TO MARCH 26, 2002 AT 10:30 A.M.)**

To consider Zone Change Application No. 01000 – Bear Creek Ranch

**REPORTS/BOARD DIRECTION**

County Administrator

County Counsel

County Auditor

Board of Supervisors Members

**LUNCH BREAK**

**CONSENT CALENDAR (Items # 1-23)**

**APPROVED AS RECOMMENDED**

**AYES: ALL**

Budget Transfers

1. Approve Budget Transfers submitted by CIP-Correctional Facilities-\$80,000 (#037), Public Works-\$17,479 (#045) and Sheriff-\$750 as recommended by Administration.

Auditor

2. Authorize Overhire of One Supervising Accounting Technician for up to two Pay Periods.

Planning

3. Set public hearing for March 19, 2002 at 10:30 a.m. to consider an Application for a General and Native Allocation Grant from the Community Development Block Grant (CDBG) Program to be utilized for housing rehabilitation and/or other eligible activities to be determined by the Board of Supervisors.

Public Works

4. Approve and authorize Chairman to sign Amendment to Contract No. 2001160 with Shamrock S. Pollination Service, Inc. for approximately three acres in the southeasterly portion of the Sunset Drive Borrow Pit for the Temporary Storage and Removal of Bee Hives.

Health

5. Approve and authorize Chairman to sign Renewal Contract No. 8385 with the State Dept. of Health Services for the Immunization Program.

**ADOPTED RESOLUTION NO. 2002-25**

6. Approve and authorize Chairman to sign Renewal Contract No. 200179 with Stanislaus County Child and Infant Care Association, Inc. for Child Health and Disability Prevention Program.
7. Approve and authorize Chairman to sign Renewal Contract No. 2000253 with Merced County Office of Education for Healthy Families and Medi-Cal for Children Outreach Project.
8. Approve and authorize Chairman to sign Renewal Contract No. 2000254 with Central California Legal Services for Healthy Families and Medi-Cal Outreach for Children Project.

**PULLED – NO ACTION TAKEN**

9. Approve and authorize Chairman to sign Renewal Contract No. 2000252 with Livingston Medical Group for Healthy Families and Medi-Cal for Children Outreach Project.
10. Approve and authorize Chairman to sign Amendment to Contract No. 10393 with Linda Kodman for evaluation consultation services in the Tobacco Control and Child Care Safety Seat Programs and approve the necessary budget transfer-\$19,068.

Mental Health

11. Approve and authorize Chairman to sign Renewal Contract No. 2001211 with Stanislaus County Child and Infant Care Association, Inc. for provision of mental health services.

12. Approve and authorize Chairman to sign Contract with Probation Department to provide assessment and supervision of eligible Substance Abuse and Crime Prevention Act (SACPA) clients.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200227**

13. Approve and authorize Chairman to sign Renewal Contract No. 200170 with State Dept. of Alcohol and Drug Programs for the Comprehensive Court Implementation Grant to support operation of the Drug Court Program for FY 2001/2002 and adopt Resolution.

**ADOPTED RESOLUTION NO. 2002-26**

**District Attorney - Family Support**

14. Approve and authorize Chairman to sign Renewal Contract No. 200081 with ABC Legal Messengers, Inc. dba Process Forwarding International for Process Services outside the State of California.
15. Approve and authorize Chairman to sign Renewal Contract No. 200124 with Long Beach Genetics to perform legally and medically acceptable genetic tests when paternity is in dispute.

**Administration**

16. Approve and authorize Chairman to sign Amendment to Contract No. 2001213 with MCAG to administer Graffiti Abatement Program and Amendment to Contract No. 200106 with Merced Community Action Network to increase available funds for claim reimbursements.
17. Adopt Resolution to officially establish the Child Support Services Department effective July 1, 2002.

**ADOPTED RESOLUTION NO. 2002-27**

**Board of Supervisors**

18. Set public hearing for March 12, 2002 at 10:30 a.m. to consider an Appeal submitted by Richard Perez regarding Zone Variance Application No. 01023 and Minor Subdivision Application No. 01057 in the Livingston area.

**Board Recognition**

19. Authorize Certificates of Recognition to numerous students upon their selection by the Merced/Mariposa FAA Project Competition Committee for their outstanding entrepreneurship and work experience with their competition projects.

**REVIEW BOARD ORDER – SEE PAGE 12**

20. Authorize Certificates of Recognition to Linda Collins for Ambassador of Goodwill and Sherri and Michael Gallo (Gallo Farms) for 2001 Business of the Year Awards by Merced County Chamber of Commerce.
21. Authorize Certificate of Recognition to John B. Sanfilippo & Son, Inc. in Celebration of Open House for expanded facilities and services to the County of Merced.
22. Proclaim March 1, 2002 as "Arbor Day" in Merced County.

**Private Industry Training Department**

23. Approve and authorize Chairman to sign Renewal Contract No. 200111 with Merced College for Independent Living Skills for former foster children, ages 18-25.

## **REGULAR CALENDAR**

### **BOARD ACTION**

#### **PUBLIC WORKS**

24. Authorize Award of Contract for the Re-roofing of the Atwater Library, Livingston Library, Dos Palos Veterans Building and Public Works Modular Building "B" to Graham Prewett, Inc. and approve the necessary budget transfer-\$6,166. (#044)

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200228 AYES: ALL**

25. Authorize issuance of Request for Proposals for the installation of carpeting in the Main Administration Building (replacement carpeting) under the California Multiple Award Schedule Contract and return to the board at a subsequent meeting disclosing the results of the RFP process.

**APPROVED AS RECOMMENDED AYES: ALL**

26. Authorize solicitation of bids to establish a vendor for the Truck and Bus Wash Equipment for the Merced County Transit Facility (County Center III-Wardrobe Avenue and Thornton Avenue with contract to be awarded after approval by the Board of the project construction-financing package.

**APPROVED AS RECOMMENDED AYES: ALL**

27. Authorize expenditure of \$300 from Special Board Project Funds-District One to Le Grand Garden Club for beautification of grounds in front of the County-owned Library on Jefferson Road in Le Grand.

**APPROVED AS RECOMMENDED AYES: ALL**

28. Authorize a maximum expenditure of \$4,000 for mechanical equipment replacement/improvements for the Dos Palos Swimming Pool and approve necessary budget transfer (#041) from Special Board Project Funds-District Five to either the City of Dos Palos or the Dos Palos-Oro Loma Joint Unified School District which will act as the Lead Agency for the Project.

**APPROVED AS RECOMMENDED AYES: ALL**

#### **HUMAN SERVICES AGENCY**

29. Approve and authorize Chairman to sign Contract with Family Resource Council for Father of the Year Contest funds not to exceed \$10,000.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200229 AYES: ALL**

30. Approve Merced County Three Year Child Abuse Prevention and Treatment/Community-Based Family Resource and Support (CAPIT/CBFRS); adopt Resolution establishing the Child Abuse Prevention Council of Merced County and authorize the Council to distribute funds from the Children's Trust Fund to private non-profit agencies for the purpose of child abuse prevention.

**APPROVED AND ADOPTED RESOLUTION NO. 2002-29 (CHILD ABUSE PREVENTION PLAN) AND 2002-30 (CHILD ABUSE PREVENTION COUNCIL) AYES: ALL**

#### **HEALTH**

31. Approve FY 2001-02 Proposed Plan of Expenditure for the California Health Care for Indigents Program.

**APPROVED AS RECOMMENDED AYES: ALL**

32. Acknowledge allocation of \$50,000 in One Time Public Health Subvention Funds for Bioterrorism Preparedness and approve the necessary budget transfer-\$50,000. (4/5 Vote Required)

**APPROVED AS RECOMMENDED      AYES: 1, 2, 3, 4      ABSENT: 5**

**BUSINESS-ECONOMIC OPPORTUNITIES**

33. Approve the Update to the Job Creation Investment Fund Plan which will also serve as the Comprehensive Economic Development Strategy for the County.

**APPROVED AS RECOMMENDED      AYES: ALL**

34. Endorse provision of AB 1846 (Correa) to Extend Enterprise Zones to 20 Years and authorize the Chairman to sign Letters of Support to the Bill's co-authors.

**APPROVED AS RECOMMENDED      AYES: ALL**

**MENTAL HEALTH**

35. Contract No. 2000206 with Seventh Avenue Center for additional funds to cover the cost of three consumers currently placed at the Facility and approve the necessary budget transfer-\$100,000.

**APPROVED AS RECOMMENDED      AYES: ALL**

**PRIVATE INDUSTRY TRAINING DEPARTMENT**

36. Contract with Dr. Conrad Castellino for the Tattoo Removal Program.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200230      AYES: ALL**

37. Authorize submission of Application to the Employment Development Department and State Dept. of Rehabilitation for \$50,000 to fund equipment purchases and staff training at the Merced One-Stop, authorize PITD Director to sign Application and any associated documents required in the application process and direct PITD to return to the Board with a status report of the grant application.

**APPROVED AS RECOMMENDED      AYES: ALL**

38. Authorize submission of Grant Application to U.S. Dept. of Labor, Region 6 (Pacific-Western Region) for Technical Assistance and Training Projects in the amount of \$20,000 and authorize the Chair of the Workforce Investment Board and PITD Director to submit and return to Board with updated status reports.

**APPROVED AS RECOMMENDED      AYES: ALL**

**BOARD OF SUPERVISORS**

39. Recognize April 21 - 27, 2002 as "Volunteer Week" in Merced County to coincide with National Volunteer Week and set April 23, 2002 for the Volunteer Recognition and Service Program Awards Ceremony; direct Staff to coordinate applications, nominations and Screening Committee and set March 29, 2002 as the deadline to receive nominations.

**APPROVED AS RECOMMENDED      AYES: ALL**

40. 2002 Board of Supervisors Committee and Board Assignments.

**REVIEW BOARD ORDER – SEE PAGE 13**

**APPROVED AS RECOMMENDED      AYES: ALL**

41. Adopt Resolution in support of School Community Policing Partnership Grant Program in the Planada Elementary School District.

**APPROVED AND ADOPTED RESOLUTION NO. 2002-31      AYES: ALL**

BOARD APPOINTMENTS

- 42. Milliken Museum Advisory Committee  
**APPOINTED CHARLES SAWYER AND JESSIE STODDARD TO SERVE AS MEMBERS OF THE MILLILKEN MUSEUM ADVISORY COMMITTEE UNTIL MARCH 10, 2004 REPRESENTING THE CITY OF LOS BANOS AYES: ALL**
- 43. Merced Cemetery District  
**REAPPOINTED KAYTIE PETERSON UNTIL AUGUST 16, 2005 AND APPOINTED BRUCE GABRIALT UNTIL AUGUST 16, 2005 TO SERVE AS MEMBERS OF THE MERCED CEMETERY DISTRICT BOARD OF DIRECTORS AYES: ALL**
- 44. Los Banos Resource Conservation District  
**REAPPOINTED DAN RAMOS, DAVID SAGOUSPE, JOE AVELAR AND JOE MELLO AND APPOINT ROBERT TEICHEIRA, IN LIEU OF ELECTION, TO SERVE AS DIRECTORS OF THE LOS BANOS RESOURCE CONSERVATION DISTRICT UNTIL FEBRUARY 26, 2006 AYES: ALL**
- 45. San Luis Resource Conservation District.  
**REAPPOINTED WAYNE WEATHERS AND LARRY BORELLI AND APPOINTED TONY NEVES AND NELLO FERRETTI, IN LIEU OF ELECTION, TO SERVE AS DIRECTORS OF THE SAN LUIS RESOURCE CONSERVATION DISTRICT UNTIL FEBRUARY 26, 2006 AYES: ALL**

ADMINISTRATION

- 46. Adopt Resolution to transfer territory from the McSwain Elementary School District to the Atwater Elementary School District.  
**APPROVED AND ADOPTED RESOLUTION NO. 2002-32 AYES: ALL**

BUSINESS-ECONOMIC OPPORTUNITIES

- 47. Authorize release of a Request for Proposal for Marketing Themes/Websites/Marketing Materials/Database Development Assistance for the Central San Joaquin Valley Regional Foreign-Trade Zone (FTZ) No. 226 and the Fast Open Contracts Utilization Services (FOCUS) Program.  
**APPROVED AS RECOMMENDED AYES: ALL**

**BOARD INFORMATION & POSSIBLE ACTION**

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

- 48. Business Economic Development re: Central Valley Cable TV, LLC. - price increases effective March 1, 2002.
- 49. Madera County re: Notification of appointment of Primary Member and Alternate Member to the Foreign Trade Zone Advisory Board.
- 50. State Dept. of Transportation re: Relinquishment of Highway Right of Way in the County of Merced, Road 10-MER-99-PM, beginning at Winton Parkway and bearing northwest a length of .36 mile.
- 51. State Business, Transportation and Housing Agency re: Letter of congratulations on receiving final approval of traffic safety grants as part of California's Traffic Safety Program.



52. California Chamber of Commerce re: 2002 Business Issues and Legislative Guide, Annual Publication on priority business issues. (On file with Clerk)
53. Calif. State Fair re: California State Fair Scholarship Program 2002, eligibility/application requirements and scholarship categories.
54. San Joaquin Valley Air Pollution Control District re: "Clean Green Yard Machines" - a lawn mower trade-in program.
55. San Joaquin Valley Air Pollution Control District re: 2002 Subscriptions, First Quarter - January 1 - March 31.
56. State Dept. of Housing and Community Development-Division of Community Affairs re: Reinstatement of Merced County in the CDBG Program as eligible to participate in the Program for the upcoming 2002 Year.
57. U.S. Census Bureau re: Reminder of materials to be returned regarding the 2002 Boundary and Annexation Survey.
58. State Board of Equalization re: Notice of Proposed Regulatory Action - Public Hearing to be held on March 27, 2002 at 1:30 p.m. to consider proposed Property Tax Rule 139 - Restricted access as damage eligible for reassessment relief pursuant to Revenue and Taxation Code Section 170.
59. State Board of Equalization re: Notice of Rescheduled Public Hearing to Amend Property Tax Rule 21 (Taxable Possessory Interests - Valuation) and delete Property Tax Rules 23, 24, 25 and 26.
60. State Board of Equalization re: Notice of Proposed Regulatory Action for Public Hearing on March 27, 2002 at 1:30 p.m. - Consideration of proposed Property Tax Rule 138, Exemption for Aircraft being repaired, overhauled modified or overserviced.
61. State Board of Equalization re: Revision of Property Tax Rule 462.060.
62. State Fish and Game Commission re: Notice of Proposed Regulatory Action relative to mammal hunting and trapping regulations, Title 14, Calif. Code of Regulations. (On file with Clerk)
63. State Wildlife Conservation Board re: Notice of Meeting set for February 27, 2002. (On file with Clerk)
64. Central Valley Regional Water Quality Control Board re: Public Meeting Notice - March 1, 2002.

**ADOPTED RESOLUTIONS AND ADJOURNED THE MEETING IN MEMORY OF VERA SALCIDO, CONNIE RAMIREZ GONZALES, DWIGHT PEARSON, ISAIAS SOLORIO, CARMEN AMESCUA, RAY GRIFFIN AND PHILLIP SHERIDAN UNTIL TUESDAY, MARCH 12, 2002 AT 10:00 A.M.**

## BOARD ORDERS – SUMMARY ACTION MINUTES – FEBRUARY 26, 2002

### **LATE AGENDA ITEM**

#### **2002-02-26 HUMAN SERVICES AGENCY**

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board finds the need to take action on consideration of a contract which arose after the posting of the agenda and places the item on the agenda for consideration.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board approves and authorizes the Chairman to sign Amendment to Contract No. 9966 with a Woman's Place for continued service for CalWORKs clients increasing the funding by the amount \$149,328.

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

### **10:30 A.M. SCHEDULED ITEM**

#### **2002-02-26 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously set for a Public Hearing to consider Termination of Maintenance of a portion of Bailey Avenue, east of and intersecting with Applegate Road in the Atwater area as submitted by Public Works.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor Cortez Keene, duly carried, the Board authorizes Termination of Maintenance of a portion of Bailey Avenue, east of and intersecting with Applegate Road in the Atwater area and adopts Resolution No. 2002-28.

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

### **10:30 A.M. SCHEDULED ITEM**

#### **2002-02-26 PLANNING – PUBLIC HEARING**

The time and date previously set for a Public Hearing to consider 2002 Community Development Block Grant (CDBG) Program, General and Native American Allocation and Economic Development Allocation submitted by Planning.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor Cortez Keene, duly carried, the Board authorizes the Planning and Community Development Department and the Business Economic Opportunities Department to develop Applications for funding for General and Native American Allocation, Housing Activities Grant and Economic Development Activities Grant from the Community Development Block Grant Program and submit said applications to HCD for funding.

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

**10:30 A.M. SCHEDULED ITEM**

**2002-02-26 HEALTH – PROPOSED ORDINANCE – FIRST READING – SET SECOND READING AND POSSIBLE ADOPTION FOR MARCH 12, 2002 AT 10:30 A.M.**

The time and date previously set to consider First Reading of an Amendment to Ordinance No. 1620 establishing the Merced County Children and Families First Commission submitted by the Health Department.

Supervisor Cortez Keene moves, seconded by Supervisor Crookham the Board accept the proposed Ordinance as submitted and set the second reading for March 12, 2002 at 10:30 a.m.

Supervisor Kelsey states she cannot support the Motion on the Floor.

Chairman Rivero states previous Board action voted to place this directly under the CEO/CAO who would designate the appropriate staff to provide oversight.

Following discussion, Supervisor Cortez Keene Amends the Motion to state specifically that the Prop. 10 Commission and its administration be handled by our CEO/CAO.

Supervisor Rivero seconds the Motion for discussion.

Supervisor Kelsey requests the addition and the deletion of language in the Final Paragraph under Section 1.0.4 under Establishment of Trust Fund-Administration that would read:

“The Board shall designate the County Administration to provide oversight and compliance by the Commission with county fiscal, personnel and administrative processes, and strike a “Merced County Department”.

Following further discussion, Chairman Rivero states due to the fact that there is so much discussion and concern on sections of the ordinance, to hold the item over and have staff work with Board Members individually and come forward with a completed copy. Therefore, the First Reading will be continued until March 12.

Supervisor O’Banion moves, seconded by Supervisor Crookham, that the Proposed Ordinance be continued until March 12, 2002 at 10:30 a.m.

Supervisor Cortez Keene votes “No”. Motion carries.

Ayes: Rivero, Crookham, Kelsey, O’Banion

Noes: Cortez Keene

**10:30 A.M. SCHEDULED ITEM**

**2002-02-26 BOARD OF SUPERVISORS – PROPOSED ORDINANCE – FIRST READING - SET SECOND READING AND POSSIBLE ADOPTION FOR MARCH 12, 2002**

The time and date previously set to consider First Reading of Amendment to the Proposed Ordinance pertaining to the County Executive Officer and the Duties, Responsibilities, Authority and Qualifications Thereof (Amends Ordinance Nos. 867, 1138, 1507 and 1671) submitted by the Board of Supervisors.

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

County Administrator Demitrios Tatum reviews the Staff Report and the alternative organization charts.

Following discussion on departments to be excluded from reporting to the CEO, Supervisor O'Banion moves, seconded by Supervisor Rivero, to select Option A be adopted for CEO organizational structure for Merced County.

Following further discussion, Supervisor O'Banion withdraws the Motion and Supervisor Rivero withdraws the second to the Motion.

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board continues the Proposed Ordinance for consideration to the Meeting of March 12, 2002 at 10:30 a.m.

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

#### **CONSENT ITEM NO. 19**

#### **2002-02-26 BOARD OF SUPERVISORS**

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board authorizes Certificates of Recognition to various individuals for being selected by the Merced/Mariposa FFA Project Competition Committee as follows:

ATWATER- Heather Barnes, Meggie Fagundes, Brandon Fullerton, Bobby Lax, Jill McIver, John Migliazzo, Chris Morrow, and Cody Ratley. BUHACH COLONY- Ben Moitoso, Stephanie Obad, Kendria Poe, Gus Scoto, and Kaelin Webb. DOS PALOS- Elizabeth Bertao, Alison Coderniz, Diane Coderniz, Luke Hicks, David Jacobo, Dustin Mancebo, and William Pruitt. GUSTINE- Lacey Amarante, Katie Cassinerio, Martin Cozzitorto, Michael Goularte, Stuart Mattos, Chris Medeiros, Eli Minton, Cody Rocha, and Jonathan Rodrigues. HILMAR- Erin Ahlem, Whitney Burch, Fallon Dias, Sean Locke, Ashley Mendes, Rebecca Pereira, Kate Rector, Lindsey Teixeira, and Robert Teixeira.

LE GRAND- Samatha Cook, Daniel Fishman, Amanda Galan, Matt Mayo, Josh Porter, Robert Sousa, and Sara Sousa. LIVINGSTON- Megan Jantz, Julie Luxon, Jaci Luxon, Happy Pannu, and Crystal Souza. LOS BANOS- Will Areias, Julie Johnson, Josh Lewis, Andrew Machado, Lisete Melo, Josh Ramos, Kristen Romero, Mandy Silva, and Kyle Whiteaker. MARIPOSA- Crystina Foley, Kim Forsythe, Kelly Forsythe, Mark Scott, Faris Simon, Bridget Sly, Shayna Stevens, and Alan Stickles.

MERCED/GOLDEN VALLEY- Matt Avila, Shane Avila, Amada Gipe, Sarah Machado, Theresa Machado, Anthony Pedrozo, Allan Rios, Cassandra Rudich, Mollie Rudich, and Bradley Sanchez.

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

**ACTION ITEM NO. 40**

**2002-02-26 BOARD OF SUPERVISORS**

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board adopts the following 2002 Board of Supervisors Committee and Board Assignments:

<u>Committee/Board</u>	<u>Regular Member</u>	<u>Alternate Member</u>
Area Agency on Aging Advisory Council	Rivero	O'Banion
At Risk Youth and Families	Crookham	O'Banion
BEO Revolving Loan Fund Board	Crookham	Kelsey
CSAC (Calif. Supervisors Assn. of Counties)	Rivero	Kelsey
Emergency Medical Care Committee	O'Banion	-----
Foreign Trade Zone (FTZ)	Rivero	Cortez Keene
General Plan Steering Committee	Kelsey	O'Banion
Historical Recognition Adv. Committee	Kelsey	O'Banion
Library Advisory Commission	Crookham	Kelsey
Mental Health Advisory Board	Kelsey	Crookham
Merced County Children's and Families First Commission (Prop 10 Tobacco Tax)	O'Banion	-----
Merced Co. Economic Development Corp.	Kelsey	Cortez Keene
National Association of Counties (NACo)	Cortez Keene	-----
National Assn. of Foreign Trade Zones	Rivero	-----
Regional Council of Rural Counties	Rivero	Crookham
San Joaquin Valley Reg. Assoc. of Co. Supervisors (SJVRACS)	Cortez Keene	Rivero
San Joaquin Valley Unified Air Pollution Control Board	O'Banion	Crookham
San Joaquin Valley Rail Committee	Rivero	Kelsey/Crookham
San Joaquin Valley Water Coalition	Kelsey	-----
Solid Waste Independent Hearing Panel	Cortez Keene	O'Banion
Underground Utility District Review Committee	Cortez Keene	O'Banion
YARTS (Yosemite Area Regional Transportation Strategy)	Kelsey	Crookham

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