



# SUMMARY ACTION MINUTES

## MERCED COUNTY BOARD OF SUPERVISORS

### Regular Meeting

**TUESDAY, MARCH 19, 2002**

Closed Session – 9:00 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

DEMITRIOS O. TATUM  
COUNTY ADMINISTRATIVE OFFICER

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

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**

9:00 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: Two Case(s)

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

10:00 A. M.

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**Virginia Wagner – Christian Science Church, Merced**

**PRIVATE INDUSTRY TRAINING DEPARTMENT - PRESENTATION  
Merced County Youth Council Needs Assessment Survey, Needs  
Assessment and Gap Analysis**

**REVIEW BOARD ORDER – SEE PAGE 7**

**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)**

**UC MERCED PROJECT - LIAISON REPORT**

**RECEIVED REPORT FROM UC LIAISON KATHLEEN CROOKHAM**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote  
Required) District Attorney-\$1,510; Probation-\$4,552, \$12,000 and  
\$8,000; Public Works-\$200,000 (#056) and Health-\$3,618, \$3,617, \$2,151,  
\$16,560, \$16,353, \$2,151 and \$72,216 and Public Works-\$106,600 (#062)**

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR (Item # 1 - 11)**

**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT**

**PRESENT: 4**

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

**ADDED AGENDA ITEM**

**REVIEW BOARD ORDER – SEE PAGE 7**

**THE BOARD FINDS THE NEED, SUBSEQUENT TO THE POSTING  
OF THE AGENDA, TO CONSIDER EDA GRANT PROJECT AMENDMENT**

**AYES: 1, 2, 3, 5 ABSENT: 4**

**APPROVED THE CREATION OF AMENDMENT TO CONTRACT  
WITH MERCEDNET FOR EDA GRANT PROJECT – COPPER TELEPHONE  
LINE SURVEY AYES: 1, 2, 3, 5 ABSENT: 4**

**ADDED AGENDA ITEM**

**REVIEW BOARD ORDER – SEE PAGE 9**

**THE BOARD FINDS THE NEED, SUBSEQUENT TO THE POSTING  
OF THE AGENDA, TO REAPPOINT A MEMBER TO THE MERCED  
COUNTY CHILDREN AND FAMILIES FIRST COMMISSION AYES: 1, 2,**

**3, 5 NOT PRESENT: 4**

10:30 A. M.

**BOARD OF SUPERVISORS - PROPOSED ORDINANCE - SECOND READING AND POSSIBLE ADOPTION**

To consider Proposed Ordinance pertaining to the Office of County Administration (Supercedes Ordinance Nos. 318,348 and 867 and Amends Section 2 of Ordinance No. 1138 and Ordinance No. 1507 and Chapter 2.08 of the County Code)

**REVIEW BOARD ORDER – SEE PAGE 7**

**WAIVED FURTHER READING AND ADOPTED ORDINANCE NO. 1673 AYES; 1, 2, 3, 5 NOT PRESENT: 4**

10:30 A. M.

**HEALTH - PROPOSED ORDINANCE - SECOND READING AND POSSIBLE ADOPTION**

To consider Proposed Revisions to Ordinance No. 1629 Establishing the Merced County Children and Families First Commission

**REVIEW BOARD ORDER – SEE PAGE 8**

**WAIVED FURTHER READING AND ADOPTED ORDINANCE NO. 1674 AYES; 1, 2, 3, 5 NOT PRESENT: 4**

**PLANNING - PUBLIC HEARING**

To discuss and receive comments on the FY 2002 Community Development Block Grant Program (CDBG) Funding to implement a Housing Rehabilitation Loan Program Countywide in the unincorporated areas of the County and approve Program Participation Guidelines

**REVIEW BOARD ORDER – SEE PAGE 8 AND 9**

**REPORTS/BOARD DIRECTION**

County Administrator  
County Counsel  
County Auditor  
Board of Supervisors Members

**LUNCH BREAK**

**CONSENT CALENDAR (Items # 1 - 11)**

**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

Budget Transfers

1. Approve Budget Transfer submitted by Sheriff-\$1,762 and Public Works-\$2,500 (#054) as recommended by Administration.

Public Works

2. Accept the Final Map for China Cabin Ranch Subdivision located in the Merced area.

Sheriff

3. Approve and authorize Chairman to sign Renewal Contract No. 9397 with Spring Fair for Security Services for the Los Banos Spring Fair.

### Planning

4. Approve Reconveyance request for CDBG Deferred Payment Loan provided to Nellie V. Hermosillo and authorize Planning Director to sign.
5. Approve Reconveyance request for CDBG Deferred Payment Loan provided to Earl and Verlin Austin and authorize Planning Director to sign.
6. Approve Subordination Agreement-Deed of Trust recorded May 21, 1998 for Um-Allah Perry and Yolanda Mendoza Perry and authorize the Planning Director to sign.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200236**
7. Approve Subordination Agreement-Deed of Trust recorded October 9, 1996 for Israel and Claudette Rosales and authorize the Planning Director to sign.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200237**

### Board Recognition

8. Adopt Resolutions of Commendation to Bill Weir and Maxwell Norton for recognition of awards for outstanding achievement by Friends of Agriculture Extension.
9. Authorize Certificate of Recognition to Andrew Hitchcock for his years of service to the County of Merced.
10. Authorize Certificate of Recognition to Marcel's Day Spa and Cosmetic Laser Center held on March 6, 2002.
11. Authorize Proclamation in recognition of the Girl Scouts of American on March 12, 2002.

## **REGULAR CALENDAR**

### **BOARD ACTION**

#### PLANNING

12. Contract with Self-Help Enterprises for Consultant Services to implement and administer Grant for First Time Homebuyer Assistance.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200238**    **AYES: 1, 2, 3, 5**  
**NOT PRESENT: 4**
13. Contract Addendums with Planning Partners-Contract No. 2000202 and Robert Borchard-Contract No. 2000203 for Special Services to assist the Planning and Community Development Department in project processing and environmental review.  
**APPROVED AS RECOMMENDED**    **AYES: 1, 2, 3, 5**    **NOT PRESENT: 4**
14. Annual Community Development Block Grant (CDBG) Program Project Selection – Request to support the division of the 2002 Community Development Block Grant (CDBG) funding by requesting \$500,000 for the General Allocation Application and \$300,000 for the Economic Development Applications.  
**APPROVED AS RECOMMENDED**    **AYES: 1, 2, 3, 5**    **NOT PRESENT: 4**

HUMAN SERVICES AGENCY

15. Contract for Family Services Worker to be placed at Dos Palos-Oro Loma Joint Unified School District.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200239    AYES: 1, 2, 3, 5**  
**NOT PRESENT: 4**

MENTAL HEALTH

16. Contract with Sylmar Health and Rehabilitation Center for placement of one client with difficult behavior problems.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200240    AYES: 1, 2, 3, 5**  
**NOT PRESENT: 4**

UC MERCED PROJECT

17. Contract with Dr. Wayne Spencer of the Conservation Biology Institute for Science Facilitator Services for the Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) and Contract with Dr. Reed Noss, Conservation Science, Inc. for Lead Science Advisor Services for the NCCP/HCP.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200234 WITH DR. WAYNE SPENCER, CONSERVATION BIOLOGY INSTITUTE, FOR NCCP/HCP SCIENCE FACILITATOR AND CONTRACT NO. 200235 WITH DR. REED NOSS, CONSERVATION SCIENCE, INC., FOR NCCP/HCP LEAD SCIENTIST SERVICES    AYES: ALL**

ADMINISTRATION

18. Accept Notice of Intent to retire effective March 21, 2003 from Dennis Myers, County Counsel.

**APPROVED AS RECOMMENDED    AYES: 1, 2, 3, 5    NOT PRESENT: 4**

19. Approve Contract Award to develop Performance Compensation Program for Executive Management with L.B. Hayhurst & Associates not to exceed \$13,500 and authorize the CAO to sign subsequent amendments within the contract budget.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200241    AYES: 1, 2, 3, 5**  
**NOT PRESENT: 4**

20. Approve the amended Job Description for the Children and Families First Program Administrator.

**APPROVED AS RECOMMENDED    AYES: 1, 2, 3, 5    NOT PRESENT: 4**

SPRING FAIR

21. Contract Award to Speeda Sound for Sound Services to be provided to the Merced County Spring Fair during the Annual Fair for period of 2002 through 2004.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200242    AYES: 1, 2, 3, 5**  
**NOT PRESENT: 4**

PRIVATE INDUSTRY TRAINING DEPARTMENT

22. Appointments to the Workforce Investment Board.

**REVIEW BOARD ORDER – SEE PAGE 8 AND 9**  
**APPROVED AS RECOMMENDED    AYES: 1, 2, 3, 5    NOT PRESENT: 4**

BOARD APPOINTMENTS

23. Planada Municipal Advisory Council Appointment.

**REVIEW BOARD ORDER – SEE PAGE 9**

**MODIFIED RECOMMENDATION      AYES: 1, 2, 3, 5      NOT PRESENT: 4**

**BOARD INFORMATION & POSSIBLE ACTION**

**ACCEPTED AND PLACED ON FILE      AYES: 1, 2, 3, 5      NOT PRESENT: 4**

- 24. California Gas Gathering, Inc. re: Franchise Ordinance No. 1650 - Notice no annual fee is due as applicant has not yet installed pipeline.
- 25. State Board of Equalization re: Shasta County Assessment Practices Survey - February 2002.
- 26. State Fish and Game Commission re: Continuation Notice of Proposed Regulatory Action relative to Mammal Hunting and Trapping Regulations for 2002 and 2003.
- 27. California High Speed Rail Authority re: Notice of Meeting on March 20, 2002 to be held at the City and County of San Francisco.
- 28. State Dept. of Food and Agriculture re: Notice of the amended regulations in Title 3 of the Calif. Code of Regulations pertaining to Red Imported Fire Ant Eradication Area proposal to continue as amended as an emergency action.
- 29. State Board of Equalization re: Revenue and Taxation Code Section 69.5 (Propositions 60, 90, 110): Base Year Value Transfer from Property Damaged by Misfortune or Calamity.

**ADOPTED RESOLUTION AND ADJOURNED MEETING IN MEMORY OF DONALD HUTCHINGS UNTIL TUESDAY, MARCH 26, 2002 AT 10:00 A.M.**

**BOARD ORDERS – SUMMARY ACTION MINUTES – MARCH 19, 2002**

**10:00 A. M. SCHEDULED ITEM**

**2002-03-19 PRIVATE INDUSTRY TRAINING DEPARTMENT**

Andrea Baker, Director of Private Industry Training Department and Members of the Workforce Investment Board Youth Council and Youth Planning and Quality Assurance Committee Rick Osorio and Nellie McGarry are present and submit and review the Merced County Youth Council Needs Assessment Survey, Needs Assessment and Gap Analysis.

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

Not Present: Kelsey

**10:00 A. M. ADDED AGENDA ITEM**

**2002-03-19 BUSINESS-ECONOMIC OPPORTUNITIES**

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board finds a need arose, subsequent to the posting of the agenda, to consider an EDA Grant Project Amendment and places the matter on the Agenda for Board consideration.

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

Not Present: Kelsey

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board approves Amendment to Contract No. 10431 with MercedNet in the amount of \$15,651 in connection with EDA Grant Project for Copper Telephone Line Survey and authorizes the General Services Director to sign subject to review by County Counsel.

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

Not Present: Kelsey

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

**2002-03-19 BOARD OF SUPERVISORS – ORDINANCE NO. 1673 ADOPTED**

The time and date previously set for the Second Reading and possible adoption of an Ordinance pertaining to the Office of County Administration for the CEO organizational structure for Merced County (Amends Ordinance Nos. 318, 348, 867, 1138 and 1507 and amends Chapter 2.08 of the County Code) as submitted.

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

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board waives further reading of the proposed ordinance and adopts Ordinance No. 1673 An Ordinance Pertaining to the Office of County Administration.

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

Not Present: Kelsey

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

**2002-03-19 HEALTH – ORDINANCE NO. 1674 ADOPTED**

The time and date previously set for the Second Reading and possible adoption of an Ordinance revising the Ordinance known as The Children and Families First Commission Ordinance (Amends Ordinance No. 1614, 1620 and 1629) submitted by the Health Department.

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

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board waives further reading of the proposed ordinance and adopts Ordinance No. 1674 An Ordinance to Revise the Ordinance known as the Children and Families First Commission Ordinance.

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

Not Present: Kelsey

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

**2002-03-19 PLANNING - PUBLIC HEARING**

The time and date previously set for a Public Hearing to consider the 2002 Community Development Block Grant Program (CDBG) General Allocation Application, and program guidelines and application submitted by the Planning Department.

Planning Director Bill Nicholson reviews the Staff Report advising at the public hearing held on February 26, 2002, the Board authorized Planning staff to prepare an application for the CDBG grant allocation application for CDBG funds totaling \$500,000 from the General Allocation. The grant, if awarded, would implement a housing rehabilitation loan program, countywide in unincorporated areas of the County.

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

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board approves the Program Participation Guidelines and authorizes submission of the Community Development Block Grant Application to the Department of Housing and Community Development Department and authorizes the Planning Director (or designee) to act on the County's behalf in all matters pertaining to this application and authorizes entering into and signing of the Contract and Amendments thereto with the State of California for the purposes of the acceptance of the Grant if approved.

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

Not Present: Kelsey

**ACTION ITEM NO. 22**

**2002-03-19 PRIVATE INDUSTRY TRAINING DEPARTMENT-Workforce Investment Board**

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board appoints Robert McLaughlin, Private Sector representative, until June 30, 2004; Dean Cormany, One-Stop Partner-State Dept. of Rehabilitation until June 30, 2004 and Rhonda Walton,



One-Stop Partner-Human Services Agency until June 30, 2006 serving as members of the Workforce Investment Board.

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

Not Present: Kelsey

**ACTION ITEM NO. 23**

**2002-03-19 PLANADA MUNICIPAL ADVISORY COUNCIL**

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board appoints Jesus M.S. Colmenero R. to serve as a member of the Planada Municipal Advisory Council until March 31, 2003 and authorizes a Certificate of Recognition to Jack Burks for his 8 years of service (January 4, 1994 – March 4, 2002) to the Planada Municipal Advisory Council.

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

Not Present: Kelsey

**10:00 A. M. ADDED AGENDA ITEM**

**2002-03-19 CHILDREN AND FAMILIES FIRST COMMISSION**

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board finds a need arose, subsequent to the posting of the agenda, to consider Children and Families First Commission membership and places the matter on the Agenda for Board consideration.

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

Not Present: Kelsey

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board reappoints Cappi Quigley to serve as a member of the Merced County Children and Families First Commission representing District Two until March 23, 2005.

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

Not Present: Kelsey