



# **SUMMARY ACTION MINUTES**

## **MERCED COUNTY BOARD OF SUPERVISORS**

**Regular Meeting  
TUESDAY, MARCH 26, 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 EXECUTIVE 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 SUPERVISORS  
CORTEZ KEENE AND O'BANION NOT PRESENT AND THE CHAIRMAN  
ADVISED DIRECTION WAS GIVEN TO STAFF**

10:00 A. M.

**PLEDGE OF ALLEGIANCE**

**INVOCATION - Pastor Tim Zemanek - Calvary Assembly of God, Merced**

**PRESENTATION - Countywide Agricultural Preservation Strategy (CAPS)  
REVIEW BOARD ORDER – SEE PAGE 8**

**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) Health-\$30,749 and \$13,493  
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items # 1 - 7)  
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5**

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

**REVIEW BOARD ORDER – SEE PAGE 8  
THE BOARD FINDS THE NEED, SUBSEQUENT TO THE POSTING OF THE AGENDA, TO CONSIDER ISSUANCE OF LOS BANOS UNIFIED SCHOOL BONDS AYES: 1, 2, 3, 4 NOT PRESENT: 5**

**THE BOARD ADOPTS RESOLUTION NO. 2002-43 AUTHORIZING THE ISSUANCE OF THE LOS BANOS UNIFIED SCHOOL DISTRICT 2002 GENERAL OBLIGATION BONDS AYES: 1, 2, 3, 4 NOT PRESENT: 5**

10:30 A. M.

**PLANNING- PUBLIC HEARING (PUBLIC HEARING WILL NOT BE HELD - REFERRED BACK TO STAFF)**

**Zone Change Application No. 01001 - Bear Creek Ranch  
REVIEW BOARD ORDER – SEE PAGE 9**

**PLANNING- PUBLIC HEARING (PUBLIC HEARING HAS BEEN CONTINUED TO APRIL 16, 2002 AT 10:30 A.M.)**

**General Plan Text Amendment Application No. 01001 - Merced County  
REVIEW BOARD ORDER – SEE PAGE 9**

10:30 A. M.

**AGRICULTURAL COMMISSIONER - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION**

To consider Revisions to the Merced County Animal Control Fee Resolution (Amends Chapter 7.04 of the County Code)

**REVIEW BOARD ORDER – SEE PAGE 9**

**WAIVED FURTHER READING AND ADOPTED ORDINANCE NO. 1675**

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

**REPORTS/BOARD DIRECTION**

County Administrator

County Counsel

County Auditor

Board of Supervisors Members

**LUNCH BREAK**

**CONSENT CALENDAR (Items # 1 - 7)**

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

Travel Requests

1. Approve Travel Request submitted by Human Services Agency as recommended by Administration.

Public Works

2. Adopt Resolution accepting the Grant Deed from Cheng-Sung Kuo and Lee Mei-Lan Kuo for conveyance of property required for the expansion, operation and maintenance of the Highway 59 Solid Waste Disposal Site.

**ADOPTED RESOLUTION NO. 2002-40**

Ag. Commission

3. Approve and authorize Chairman to sign Renewal Contract No. 2001105 with Calif. Dept. of Food and Agriculture for Inspection Services in the Fruit and Vegetable Standardization Program.

Planning

4. Approve Subordination Agreement-Deed of Trust recorded January 6, 2000 for Kao Saepanh and Lair Saepanh and authorize the Planning Director to sign.

**AUTHORIZED PLANNING DIRECTOR TO SIGN CONTRACT NO. 200243**

5. Approve Reconveyance request for CDBG Deferred Payment Loan provided to Eugene and Barbara Holiday and authorize the Planning Director to sign.

Administration

6. Authorize ratification of Memorandum of Understanding between Community Action Agency, Private Industry Training Department-Workforce Investment Board, Human Services Agency, Business-Economic Opportunities-Action Business Center, Hispanic Chamber, Planada Community Development Corporation and Merced Adult School as participants of the collaborative proposal submitted to the U.S. Dept. of Commerce

Technology.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200246**

Board of Supervisors Office

7. Approve Minutes of October 2, 16, 30; November 6 and 20 and December 11 and 18, 2001.

**REGULAR CALENDAR**

**BOARD ACTION**

PUBLIC WORKS

8. Project Supplement No. 21 to Contract No. 10039 with URS Corporation for the Environmental Work required during the construction of the Oakdale Road Bridge Project over the Merced River and authorize Public Works Director to sign.

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

9. Approve the increase to the total estimated budgeted for the Human Services Agency Facility Site Renovations Project in the amount of \$54,198 utilizing funds from the current Fiscal Year C.I.P. Project to repaint the Interior and Exterior for a total revised project budget of \$395,300; authorize Award of Contract to Garcia Paving Company and approve the necessary budget transfer-\$54,198. (#050)

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200247 AYES: 1, 2, 3, 4 NOT PRESENT: 5**

10. Authorize Public Works to proceed with placement of Granite Monument facing "M" Street at approximately mid-block in the Courthouse Park that reads: "Merced County Veteran's Memorial" with a total cost not to exceed \$6,300 to be installed in May, 2002 and approve the necessary budget transfer-\$6,300. (#064)

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

11. Award Construction Contract for Perimeter Irrigation System and Landscape Buffer Installation at the Correctional Facility to Shannon Pump Company.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200244 AYES: 1, 2, 3, 4 NOT PRESENT: 5**

PUBLIC WORKS-CASTLE

12. Approval of Supplemental Lease Agreement No. 7 to Lease between the County of Merced and the Air Force Base Conversion Agency at Castle Airport.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200245 AYES: 1, 2, 3, 4 NOT PRESENT: 5**

HEALTH

13. Contract with Butte County as Host County for the Medi-Cal Administrative Activities/Targeted Case Management Program for FY 2001-2002.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200248 AYES: 1, 2, 3, 4 NOT PRESENT: 5**

14. Resolution authorizing Amendment to Contract No. 7266 with State Dept. of Health-Office of AIDS reducing the contract amount by 10% for FY 2001-02, 2002-03 and 2003-04 and approve the necessary Budget Transfer-\$15,657.

**APPROVED RECOMMENDATION AND ADOPTED RESOLUTION NO. 2002-41**  
**AYES: 1, 2, 3, 4 NOT PRESENT: 5**

GENERAL SERVICES

15. Contract with John and Ila Lucas for Office Space for the Children and Families First Commission Program.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200249** AYES: 1, 2, 3, 4  
**NOT PRESENT: 5**

SHERIFF

16. Authorize the Sheriff to apply through the INTERNET as the jurisdiction's representative for the 2002 Bulletproof Vest Partnership Funding as offered by the Bureau of Justice.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200250** AYES: 1, 2, 3, 4  
**NOT PRESENT: 5**

PRIVATE INDUSTRY TRAINING DEPARTMENT

17. Contract with Merced College to fund a local project manager/consultant to facilitate the integration of technology into school practice in the Merced County school districts and approve the necessary budget transfer-\$58,500. (4/5 Vote Required)

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200251** AYES: 1, 2, 3, 4  
**NOT PRESENT: 5**

18. Contract between Workforce Investment Board and the Board of Supervisors on Roles and Responsibilities under the Workforce Investment Act.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200252** AYES: 1, 2, 3, 4  
**NOT PRESENT: 5**

HUMAN SERVICES AGENCY

19. Authorize release of Request for Proposal (RFP) for the Graffiti Abatement Program.

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

20. Contract with Merced Community College District for Foster Parent Training Program and authorize the Human Services Agency Interim Director to approve budgetary modifications.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200253** AYES: 1, 2, 3, 4  
**NOT PRESENT: 5**

CHILD SUPPORT SERVICES

21. Adopt Resolution in support of Local Child Support Agency Penalty Relief.

**APPROVED RECOMMENDATION AND ADOPTED RESOLUTION NO. 2002-42**  
**AYES: 1, 2, 3, 4 NOT PRESENT: 5**

BUSINESS-ECONOMIC OPPORTUNITIES

22. Authorize Business-Economic Opportunities to provide Merced County's support assistance for the Innovative Technologies Forum to be held on April 26, 2002 at Castle Airport in collaboration with California Space Authority, California Technology, Trade and Commerce Agency and the National Aeronautics and Space Administration (NASA) and authorize the

Chair to speak on behalf of the Board.

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

**ADMINISTRATION**

23. Authorize Staff to meet with Administrative Office of the Court to discuss the potential of a New Justice Facility Project and approve amending the Legislative Platform to include language related to the New Justice Facility Project and work with the County's delegation to seek legislation related to the amendments.

**REVIEW BOARD ORDER – SEE PAGE 10**

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

24. Authorize the Chairman to sign 2002 Calif. State Fair Counties Exhibit Entry Form which designates the Merced County Chamber of Commerce as the representative for Merced County on behalf of this Exhibit.

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

**BOARD APPOINTMENTS**

25. Franklin-Beachwood Municipal Advisory Council and Winton Municipal Advisory Council Appointments.

**APPOINTED DONNA VANBUREN TO SERVE AS A MEMBER OF THE FRANKLIN/BEACHWOOD MUNICIPAL ADVISORY COUNCIL UNTIL APRIL 6, 2006 AYES: 1, 2, 3, 4 NOT PRESENT: 5**

**REAPPOINTED MARLYS FLORES AND LAFAYETTE WIGGINS UNTIL MARCH 31, 2005; APPOINTED JOHN CONLEY UNTIL MARCH 31, 2005 AND AGNES SIETSMA UNTIL MARCH 31, 2006 TO SERVE AS MEMBERS OF THE WINTON MUNICIPAL ADVISORY COUNCIL AYES: 1, 2, 3, 4 NOT PRESENT: 5**

**BOARD INFORMATION & POSSIBLE ACTION**

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

26. U.S. Army Corps of Engineers re: Notice of Application for a Dept. of Army Permit under Section 404 of the Clean Water Act, Intent to prepare an Environmental Impact Statement (EIS) and Notice of Scoping Workshops for the County of Merced Infrastructure Project in Support of UC Merced.
27. State Wildlife Conservation Board re: MInutes of November 28, 2001. (On file with Clerk)
28. Governor Gray Davis re: Invitation to support the Second Annual Cesar Chavez Day of Service and Learning on April 1, 2002 and promote service to the community by adopting Proclamation.
29. State Dept. of Transportation re: Relinquishment of Highway Right of Way - Certified Copy of the Resolution of Relinquishment for Right of Way in the County of Merced, Road 10-MER-152-PM 11.3/11.7, Request No. 14119.
30. Ag. Commissioner re: Information Sheet and Booklet from Calif. Dept. of Pesticide Regulation - Protecting People and the Environment. (On file with Clerk)
31. Senator Joseph Dunn re: Request for support for legislation that would financially reward cities and counties for approving new affordable housing developments - SB 1509.

32. Yuba County Board of Supervisors re: Retention of Incentives for Rural Broadband Deployment.
33. County of Los Angeles Fish and Game Commission re: May 2002 Conference of the California County Fish and Game Commissions.

**ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF  
MELANIE WILLIS, STANLEY WILLIS, STUART WILLIS, AND MICHELLE HOGAN UNTIL  
APRIL 9, 2002 AT 10:00 A.M.**

**BOARD ORDERS – SUMMARY ACTION MINUTES – MARCH 26, 2002**

**10:00 A. M. PRESENTATION**

**2002-03-26 COUNTYWIDE AGRICULTURAL PRESERVATION STRATEGY COMMITTEE (CAPS)**

Deidre Kelsey, CAPS Committee Co-Chair for the Merced County Agricultural Preservation Strategy Committee submits and reviews the preliminary draft of the Countywide Agricultural Preservation Strategy.

Amy Gedney, CAPS Committee Co-Chair appears before the Board and introduces the other Committee members and reviews the Strategic Objectives.

Bob King, Planning Department and Technical Advisor to the CAPS Committee, reviews the agricultural preservation strategy.

Supervisor Kelsey states guidance is requested to continue discussions among all jurisdictions to further refine an agreeable strategy between all Cities and the County of Merced advising the Countywide Agricultural Preservation Strategy attempts to achieve a common definition of Prime Agricultural Land, actions that require mitigation and the form of the required mitigation.

Following discussion, Supervisor Kelsey states the matter will be coming back to the Board with additional information and possible action.

Present: Rivero, Cortez Keene, Crookham, Kelsey

Not Present: O'Banion

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

**2002-03-26 ADMINISTRATION**

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Kelsey, duly carried, the Board finds the need arose, subsequent to the posting of the agenda, to consider Los Banos Unified School Bonds and places the item on the Agenda for consideration.

Ayes: Rivero, Cortez Keene, Crookham, Kelsey

Not Present: O'Banion

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board authorizes issuance of Los Banos Unified School District 2002 General Obligation Bonds in an amount not to exceed \$15,021,566 and adopts Resolution No. 2002-43.

Ayes: Rivero, Cortez Keene, Crookham, Kelsey

Not Present: O'Banion



**10:30 A.M. SCHEDULED ITEM**  
**2002-03-26 PLANNING – PUBLIC HEARING**

The Clerk states Zone Variance Application No. 01001 submitted by Bear Creek Ranch was set for a public hearing but has been referred back to the Planning Staff at the Planning Commission level.

Chairman Rivero asks if there is anyone present that wishes to speak. No one speaks.

The Chairman advises the public hearing will be rescheduled and readvertised for a later date.

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

**10:30 A.M. SCHEDULED ITEM**  
**2002-03-26 PLANNING – PUBLIC HEARING**

The Clerk states the public hearing set for General Plan Text Amendment Application No. 01001 submitted by Merced County has been continued to the Board meeting of April 16, 2002 at 10:30 a.m.

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

The Chairman advises the public hearing is continued until April 16, 2002 at 10:30 a.m.

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

**10:30 A.M. SCHEDULED ITEM**  
**2002-03-26 AGRICULTURAL COMMISSIONER – PUBLIC HEARING**

The time and date previously set for the Public Hearing to consider proposed ordinance revisions to the Merced County Animal Control Fee Schedule submitted by the Agricultural Department.

Agricultural Commissioner Mike Tanner reviews the Staff Report and the Fee Schedule stating the last fee changes occurred in November of 1995.

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

Upon motion of Supervisor Crookham, seconded by Supervisor Kelsey, duly carried, the Board waives further reading of the Ordinance and adopts Ordinance No. 1675 An Ordinance Setting the Merced County Animal Control Service Fee Schedule (Amends Ordinance Nos. 1518 and Chapter 7.04 of the County Code).

Ayes: Rivero, Cortez Keene, Crookham, Kelsey

Not Present: O'Banion

**ACTION ITEM NO. 23**

**2002-03-26 ADMINISTRATION**

Deputy County Administrator-Budget Jim Brown briefly reviews the Staff Report on Trial Court Funding and the Justice Facility Project. He reviews the areas of uncertainty and risk for the County General Fund and the draft financing plan development for an approximately 60,000 square foot facility for the Justice Facility Project.

County Administrative Officer Dee Tatum reviews the recommendations before the Board to authorize a formal meeting with the Administrative Office of the Court and approve amending the Legislative Platform to seek legislation with regards to the following points:

1. Dedicate and protect existing and annual Courthouse Construction Assessments towards any debt service on a new court facility.
2. Authorize and dedicate the first \$310,000 of annual Civil Assessment Failure to Appear (FTA) revenues to be used towards debt service on a new court facility. In addition, authorize the local Merced County Superior Court to use local court revenues towards the financing of a new facility.
3. Authorize the Board of Supervisors to establish a surcharge not to exceed \$50 on any filings in superior court to supplement the Courthouse Construction Fund.
4. Seek statutory authority for the Administrative Office of the Courts and/or the local Merced County Superior Courts to issue the debt necessary for financing a new court facility.
5. Freeze County's responsibility for operational cost (utilities, etc) at current level if future legislation is adopted transferring responsibility for court facilities to the State and establishing a Maintenance of Effort (MOE) requirement.

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board authorizes Staff to meet with Administrative Office of the Court to discuss the potential of a New Justice Facility Project and approve amending the Legislative Platform to include language related to the New Justice Facility Project and work with the County's Legislative Delegation to seek legislation related to the amendments

Ayes: Rivero, Cortez Keene, Crookham, Kelsey

Not Present: O'Banion