



SUMMARY ACTION MINUTES

MERCED COUNTY BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, AUGUST 13, 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 EXECUTIVE 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: Two Case(s)

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Subdivision (e) of Section 54957 concerning a Conference with County of Merced Staff Negotiators concerning negotiations with Unit 2-MCSEA, Unit 10-Deputy Sheriff Association and Unit P-Merced County Law Enforcement Sergeants

THE BOARD RECESSED INTO CLOSED SESSION AT 8:00 A.M. AND 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

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 10

UC MERCED PROJECT - LIAISON REPORT

RECEIVED REPORT FROM UC LIAISON KATHLEEN CROOKHAM

APPROVAL OF CONSENT AGENDA CALENDAR (Items # 1 - 37)

APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:30 A. M.

PURCHASING - PROPOSED ORDINANCE - SECOND READING AND POSSIBLE ADOPTION

REVIEW BOARD ORDER – SEE PAGES 10 and 11

An Ordinance revising the Purchasing Ordinance to Establish a Local Business Purchasing Preference Policy

PLANNING - STUDY SESSION

REVIEW BOARD ORDER – SEE PAGE 11

Redevelopment Feasibility Study

REPORTS/BOARD DIRECTION

- County Executive Officer
- County Counsel
- County Auditor
- Board of Supervisors Members

LUNCH BREAK

1:30 P.M.

HEALTH - PROPOSED ORDINANCE – PUBLIC HEARING – FIRST READING - SET SECOND READING AND POSSIBLE ADOPTION FOR AUGUST 20, 2002 AT 1:30 P.M.

An Ordinance revising the Animal Confinement Ordinance (Amends Chapter 7.13), Zone Code Text Amendment Application No. 01002, Subdivision Code Text Amendment Application No. 02001 and consideration of the certification of the EIR

REVIEW BOARD ORDER – SEE PAGES 11 and 12

CONSENT CALENDAR (Items # 1 - 37)

APPROVED AS RECOMMENDED AYES: ALL

Claims for Damages

1. Act on Claims for Damages submitted by Jack Victor, Rodolfo Hernandez, Brian Scott Hiatt, Chris Delerio, Kelly Avila, Christina Collinge, Bills Auto Storage & Dismantler, Donna Jean Crowder, Rafael Roman Casas and Sue Anne Sesser.

Public Works

2. Adopt Resolution authorizing the installation of a Stop Sign on Darlington Street at its intersection with Shanks Road in the Delhi area.

ADOPTED RESOLUTION NO. 2002-141

3. Adopt Resolution authorizing the installation of a Stop Sign on Bea Drive at its west intersection with Franklin Road in the Franklin-Beachwood area.

ADOPTED RESOLUTION NO. 2002-142

4. Approve and authorize Chairman to sign Amendment to Contract No. 8978 with Bible Christian Church for use of the Le Grand Courts Building for church purposes deleting the use of the Library Room and decrease the rent to \$100.00 per month.
5. Approve and authorize Chairman to sign Amendment to Contract No. 200116 with Merced Transportation Company for increase in providing the daily operation of "The Bus" - Merced County Transit covering liability insurance premium price.

Public Works-Castle

6. Approve and authorize Chairman to sign Addendum to Contract No. 200163 with The Regents of the University of California for the lease of Castle Airport Building No. 1200 for maintenance, repair and minor alterations for an increase of an additional \$247,500.
7. Approve and authorize Chairman to sign Sublease Contract with Castle Analytical Labs, Inc. for use of Buildings No. 908 and 909 for a commercial environmental testing laboratory.

Planning

8. Set public hearing for August 20, 2002 at 10:30 a.m. to review the County of Merced's Annual Grantee Performance Report and review past CDBG performance and to consider revision to the CDBG Program Income Reuse Plan for the housing component.

Health

9. Approve and authorize Chairman to sign Renewal Contract No. 2000146 with State Dept. of Health Services for AIDS Drug Assistance Program funding for administrative functions.
10. Approve and authorize the Chairman to sign the Certificate Statement approving the Child Health and Disability Prevention Program, the Health Care Program for Children in Foster Care and the California Children's Service Program Plans and Budget for FY 2002-03.
11. Approve and authorize Chairman to sign the Application for the California Healthcare for Indigents Program (CHIP) for FY 2002-03.

Treasurer

12. Accept the Quarterly Investment Report for the Quarter Ending June 30, 2002.

Ag. Commissioner

13. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 1186 with Calif. Dept. of Food and Agriculture for Nursery Stock Inspection Services.

ADOPTED RESOLUTION NO. 2002-143

14. Approve and authorize Chairman to sign Amendment to Contract No. 6777 with Calif. Dept. of Boating and Waterways extending the Water Hyacinth Treatment and Control Program on the Merced and San Joaquin Rivers.

ADOPTED RESOLUTION NO. 2002-144

15. Adopt Resolution authorizing the Chairman to sign Renewal Contract No. 1472 with Calif. Dept. of Food and Agriculture for the Egg Quality Control Program.

ADOPTED RESOLUTION NO. 2002-145

16. Adopt Resolution authorizing the Chairman to sign Renewal Contract No. 9191 with Calif. Dept. of Food and Agriculture for the Nursery Stock Nematode Control Program.

ADOPTED RESOLUTION NO. 2002-146

General Services

17. PULLED

Human Services Agency

18. Approve and authorize Chairman to sign Renewal Contract No. 10418 with Day Out-Merced Adult Day Health Care Center to provide Adult Day Support and Adult Day Care for the Multipurpose Senior Services Program and Linkages Program.

19. Approve and authorize Chairman to sign Renewal Contract No. 2001201 with Calif. Dept. of Aging for a Family Caregiver Support Program.

ADOPTED RESOLUTION NO. 2002-147

20. Approve and authorize Chairman to sign Renewal Contract No. 99119 with Alz-Care, Inc. for an Alzheimer's Day Care Resource Center Program.

21. Approve and authorize Chairman to sign Renewal Contract No. 5434 with Calif. Dept. of Aging for Title VI Grant for provision of Senior Community Services Employment Program.

ADOPTED RESOLUTION NO. 2002-148

22. Approve and authorize Chairman to sign the following Renewal Contracts with the District Attorney's Office: No. 9390 for CalWORKs Fraud Investigations, No. 9379 for Food Stamp Fraud Investigation, No. 9253 for Prosecution of CalWORKs Fraud Cases and No. 9284 for Prosecution of Food Stamp Cases.

Child Support Services

23. Proclaim August, 2002 as Child Support Awareness Month in the County of Merced.

24. Approve and authorize the Director of Child Support Services to sign Amendment to Contract No. 2000249 with California Dept. of Child Support Services for the Annual Automation Cooperative Agreement.

Community Action Agency

25. Approve and authorize CAB Chairman to sign Contract with State Dept. of Education for Child Development Services Program for FY 2002/2003.

26. Approve and authorize Chairman to sign Contract with State Dept. of Education for Child Development Services /State Preschool Program for FY 2002-2003.
27. Approve and authorize CAB Chairman to sign Contract with State Dept. of Education for Infant Child Care Resource Program funding to be used to improve the quality and availability of childcare to be funded by the Federal Dept. of Human Services.
28. Approve and authorize CAB Chairman to sign Contract with State Dept. of Education for Infant Toddler Playground Program funding to be used to improve the quality and safety of playgrounds in programs currently funded by the State Child Development Division.
29. Approve and authorize CAA to submit the Head Start Program Improvement Application to the Children and Families Commission Administration-Region IX for funding in the amount of \$231,097 to be used for various improvements in the Head Start programs.
30. Approve and authorize CAA submission of Application of the Head Start application for funding for COLA, Quality Improvement Salaries and Benefits, Other Quality and T/TA applications to the Children and Families Commission Administration-Region IX for funding in the amount of \$348,659.
31. Accept and place CAA Information, Staff and Committee Reports on file.

Sheriff

32. Approve and authorize Chairman to sign Addendum to Contract No. 6436 with the City of Gustine for Dispatch Services for FY 2002/03.

Private Industry Training Department

33. Approve and authorize Chairman to sign Amendment to Contract No. 200284 with Experience Works for the One-Stop Delivery System and the Workforce Investment Board amending the signature page and authorizing the California Director of Experience Works to sign.

Administration

34. Set first reading for August 20, 2002 at 10:30 a.m. to consider An Ordinance to change the County Administrative Office to the County Executive Office (Organizational Change) and sets second reading and possible adoption for August 27, 2002 at 10:30 a.m.
35. Set first reading for August 20, 2002 at 10:30 a.m to consider In Home Supportive Services (IHSS) Public Authority proposed ordinance and second reading and possible adoption for August 27, 2002 at 10:30 a.m.

Board Recognition

36. Authorize Certificates and Plaques to Gustine Pentecost Society and Sister City Angra, Terceira Portugal in celebration of the Gustine Pentecost Society hall expansion and Sister City celebration.

Board of Supervisors

37. Approve Minutes of April 9, 16, 23, and May 7, 2002 as submitted.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

38. Authorize increase of Landfill Change Funds at Highway 59 from \$400 to \$600 and at Billy Wright from \$250 to \$300.

APPROVED AS RECOMMENDED AYES: ALL

39. Approve Plans and Specs for the Transit Facility Project at County Center III, authorize advertising for bid opening and authorize Public Works Director to award contract to lowest bidder providing within the established budget and direct Public Works to return to the Board with notification of action taken.

APPROVED AS RECOMMENDED AYES: ALL

40. During Final Budget Hearings recommend and authorize transfer of \$300 of Special Board Project Funds-District One to the Planada Municipal Advisory Council for landscape improvements to the community of Planada within the public right-of-way.

APPROVED AS RECOMMENDED AYES: ALL

41. During Final Budget Hearings recommend and authorize transfer of \$2,700 from Special Board Project Funds-District Three and \$300 from Special Board Project Funds-District Four to assist Castle Air Museum with the cost of bringing "The Wall that Heals" to Merced County in November 2002.

APPROVED AS RECOMMENDED AYES: ALL

BUSINESS-ECONOMIC OPPORTUNITIES

42. Authorize submittal of a major modification/expansion application to Foreign Trade Zone No. 226 to permanently set U.S. Foreign-Trade Zones Board approved modifications and include all previously committed acreage under the original application.

APPROVED AS RECOMMENDED AYES: ALL

UC MERCED

43. Ratify response Letter signed by the Chairman of the Board to Lydia Miller and Steve Burke regarding several issues related to the Natural Community Plan/Habitat Conservation Plan (NCCP/HCP)

APPROVED AS RECOMMENDED AYES: ALL

PLANNING

44. General Plan Housing Chapter Update Advisory Committee.

ESTABLISHED HOUSING ELEMENT UPDATE ADVISORY COMMITTEE TASK FORCE TO WORK WITH THE PLANNING DEPARTMENT IN PREPARATION OF THE HOUSING CHAPTER UPDATE AS REQUIRED BY SB 932 AND AUTHORIZED THE PLANNING DEPARTMENT TO BEGIN PREPARATION OF REVISION TO THE CHAPTER ELEMENT AYES: ALL

PRIVATE INDUSTRY TRAINING DEPARTMENT

45. Set Joint Meeting between the Board of Supervisors and the Workforce Investment Board (WIB), in conjunction with the Merced County Economic Development Corporation

(MCEDCO) for August 29, 2002 to begin at 8:30 a.m. through 6:30 p.m.

APPROVED AS RECOMMENDED AYES: ALL

46. Authorization for the Director of the Private Industry Training Department (or the Assistant Director) consistent with existing board policy and current legislative platform, to sign non-financial letters of support or endorsement to grant submittals for community organizations related to workforce development.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

47. Resolution approving the Proposed Revisions to the Policies and Procedures for the Indigent Health Care Programs and the IHCP Program Manual.

PULLED FROM AGENDA – NO ACTION TAKEN

48. Acceptance of equipment donation from Foster Farms for one 3/4 ton pickup truck and ten laptop computers and accessories to the Health Department and authorize the Health Dept. to transfer one computer and accessories to each of the six cities (Atwater, Dos Palos, Gustine, Livingston, Los Banos and Merced) and two computers and accessories to County Fire.

APPROVED AS RECOMMENDED AYES: ALL

ADMINISTRATION

49. Resolution approving admission of the County of Alameda as a member of the Calif. County Tobacco Securitization Agency and authorizes Authorized Officers to execute documents necessary.

ADOPTED RESOLUTION NO. 2002-149 AS RECOMMENDED AYES: ALL

50. Approve recommended list of Grant Projects and authorize Grant Writer Contractor to further pursue the projects.

REVIEW BOARD ORDER – SEE PAGE 10

APPROVED AS RECOMMENDED AYES: ALL

51. Adopt Retirement rates included in the estimated actuarial evaluation as of June 30, 2002 to be effective September 13, 2002 (Pay Period 19 of 2002).

APPROVED AS RECOMMENDED AYES: ALL

52. Authorization for additional expenditures for expert legal counsel related to Retirement Benefit issues to a maximum of \$50,000 for FY 2001/02 and 2002/03.

APPROVED AS RECOMMENDED AYES: ALL

53. Approve amended job specifications for Ag. Commissioner, Public Health Director, County Counsel and Information Services Director.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

54. Advisory Board on Alcohol and Other Drug Problems – Appointment.

APPOINTED FREDDY SANDOVAL TO SERVE AS A MEMBER OF THE ADVISORY BOARD ON ALCOHOL AND OTHER DRUG PROBLEMS UNTIL APRIL 27, 2006 AS THE YOUTH REPRESENTATIVE AYES: ALL

55. Adopt Resolution to increase the membership of the Franklin/Beachwood Municipal Advisory Council from 5 to 11 members.

ADOPTED RESOLUTION NO. 2002-150 AND APPROVED RECOMMENDATION
AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

56. Public Works re: Notification of Contract Award to Granite Construction for Rehabilitation of Pioneer Road, Hutchins Road, San Juan Road and Indiana Road in the Dos Palos and Los Banos areas.
AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2002110
57. Public Works re: Notice of Bid Award to Commercial Construction for Restroom Remodel at Building No. 1320 at Castle Airport.
AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2002145
58. PITD re: Employment Development Dept. and Calif. State Dept. of Rehab Universal Access Funds.
59. PITD re: PITD Report for July/August 2002.
60. Mental Health re: Merced County Master Plan to Reduce Alcohol and Drug Problems.
61. Ag. Commissioner re: Animal Control Monthly Report dated April, May and June, 2002.
62. State Controller re: Warrant issued on July 15, 2002 in the amount of \$298,004 for the loan for the State-County Property Tax Administration Program.
63. U. S. Dept. of Justice re: Notification that the Director of the Census has determined that Merced County is now subject to the bilingual election requirements of Section 203 of the Voting Rights Act. with respect to persons of Spanish heritage. (On file with Clerk)
64. Merced Union High School District re: 2002 Capital Facilities Five Year Plan for Merced Union High School District.
65. Trisys, Inc. re: Notification that per Agreement No. 200139 there were no sales to any Federal, State or Municipal Entity during the second quarter of 2002.
66. Sutter Board of Supervisors re: Board action of July 30, 2002 to initiate the dis-establishment of the Williamson Act in Sutter County.
67. State Board of Corrections re: Announcement of Regional Briefings - Juvenile Justice Crime Prevention Act Counties on-line progress reporting system.
68. CALFED Bay-Delta Program re: Notice of Bay-Delta Public Advisory Committee Watershed Subcommittee to be held on August 16, 2002 in Sacramento, CA.
69. State Wildlife Conservation Board re: Wetland Habitat Restoration (Britto Land and Investment), Merced County set for Hearing on August 22, 2002 to consider said proposal from the Calif. Waterfowl Association to restore 70 acres of wetlands on privately-owned land in Merced County.
70. Calif. Regional Water Quality Control Board re: Central Valley Region - Notice of Public Workshop/Public Hearing and Notice of Filing of Draft Environmental documents concerning site specific objectives for temperature at Deer Creek in El Dorado and Sacramento Counties.

71. State Wildlife Conservation Board re: Minutes of February 27, 2002 Meeting. (On file with Clerk)
72. State Board of Equalization re: Notice of Rules adopted and effective as noted:
Property Tax Rule 29 - Possessory Interests in Taxable Government-Owned Real Property, effective February 9, 2002,
Property Tax Rule 206 – Assessment of Artificial Satellites, effective January 1, 2002,
Property Tax rule 122.5 – Fixtures, effective February 6, 2002. (On file with Clerk)
73. State Board of Equalization re: Final Disposition of Court Cases Involving the Assessment of "Section 515" Low Income Housing Projects.
74. State Board of Equalization re: Siskiyou County Assessment Practices Survey for July 2002.

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF ISABELLE MARY BLAINE UNTIL TUESDAY, AUGUST 20, 2002 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – AUGUST 13, 2002

10:00 A.M. SCHEDULED ITEM

2002-08-13 PUBLIC OPPORTUNITY TO SPEAK

During the public opportunity to speak, Lydia Miller, President of the San Joaquin Raptor Rescue Center, submits and reviews letter dated August 13, 2002 regarding several issues related to the Natural Community Plan/Habitat Conservation Plan (NCCP/HCP).

Bryant Owens reviews previous letter filed with the Board on August 9, 2002 relative to Virginia Smith Trust and requests an explanation in writing.

Joe Mitchell spoke and reiterated the request for County records.

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

ACTION ITEM NO. 50

2002-08-13 EXECUTIVE OFFICE

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board approves the recommended list of Grant Projects and authorizes the Grant Writer Contractor to further pursue the projects:

District One - Rehabilitation of El Nido Elementary School, Livingston Court Theater

District Two - Rehabilitation of Merced Old Library Building, Rehabilitation/Renovation of Old Merced Theatre Building

District Three - Franklin-Beachwood Fire Station, Televising of the Board of Supervisors Meetings

District Four – Snelling Courthouse, Delhi Skate Park, Ballico Water System

District Five – Milliken Museum, South Dos Palos Youth/Community Center, Dos Palos Cemetery/ Los Banos Cemetery, HazMat Trailer

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

10:30 A.M. SCHEDULED ITEM

2002-08-13 GENERAL SERVICES – PROPOSED ORDINANCE – SECOND READING AND POSSIBLE ADOPTION

The time and date previously set to consider Second Reading and Possible Adoption of Proposed Ordinance titled – An Ordinance revising the Purchasing Ordinance to Establish a Local Business Purchasing Preference Policy.

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board waives further reading and adopts Ordinance No. 1678 - An Ordinance revising the Purchasing Ordinance to Establish a Local Business Purchasing Preference Policy (Amends Ordinance No. 1138 and No. 374 and adds Section 5.12.025 of Chapter 5.12 of the Merced County Code).

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

10:30 A.M. SCHEDULED ITEM

2002-08-13 PLANNING – STUDY SESSION

Planning and Community Development Director Bill Nicholson reviews the Staff Report and provides an update on the Redevelopment Feasibility Study with Consultants Debbie Kern and Brett Hawkins. The Consultants review and discuss the objective, redevelopment areas, feasibility process, boundary issues, urbanization and blight considerations, boundary refinements, tax increment revenue potential, the process for defining projects and programs and the schedule for completion of the study. The consultants state they will come back with recommendations and considerations for the decision making body after further input and research to provide a more accurate financial analysis.

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

1:30 P.M. SCHEDULED ITEM

2002-08-13 HEALTH – PUBLIC HEARING

The time and date previously set for a Public Hearing and First Reading to consider the Proposed Animal Confinement Ordinance, Zone Code Text Amendment Application No. 01002, Subdivision Code Text Amendment Application No. 02001 and consideration of the certification of the Environmental Impact Report as submitted by the Health and Planning Departments.

Director of Public Health Michael Ford reviews the Staff Report submitted and states in February 2000 the Board directed Staff to prepare revisions to the Animal Confinement Ordinance and prepare a program Environmental Impact Report (EIR).

Environmental Health Director Jeff Palsgaard reviews the Staff Report presented to the Planning Commission. He displays the following: slides of a typical dairy in Merced County, Merced County statistics, location map of the Merced County dairies (highest concentration of 335 in Hilmar. He also reviews the purpose, goals and objectives of the ordinance revisions and EIR, and the major animal confinement ordinance revisions.

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

Joe Morelos reads a letter into the record from Brent Newell, Attorney for the Center on Race, Poverty and the Environment California Rural Legal Assistance Foundation along with a CD stating their objection to the EIR and key points of the inadequency.

Joe Ramos, Western United Dairymen, submits letter dated August 8, 2002 and reviews the ordinance suggested changes to Section 7.13.040 regarding dry manure; Section 7.13.050 regarding retention ponds and settling basins. He states opposition to the prohibition against stockpiling manure for future application and suggest additional alternatives to the requirement for synthetic liners or a five foot separation in sensitive groundwater areas.

Mr. Mitloehener, UC Davis, questions the dairy industry and the significant impact on the air quality in the valley. Mr. Mitloehener speaks in support of the proposed document to regulate the animal confinement industry and reviews his credentials - Master in Agriculture Engineering, PhD and serves in the animal science faculty at UC Davis.

John Fleming, Modesto resident, speaks in support of the EIR prepared by Staff stating his experience as a dairy industry animal nutritionalist for 30 years.

Tom Stursta, Attorney for numerous farmers, feels the EIR is adequate under the provisions of CEQA and the ordinance is most likely the strictest in the state.

Colleen Trieweiber, county resident, states no revisions should be made, there needs to be more control over the ponds because of the West Nile Virus and feels these dairies will cause more problems until we know the scientific facts.

Jeanette Gomes, resident on 85 acres of farmland, supports the position on ponds and states enforcement is a big problem in this County.

Allen Inman, Merced County Mosquito Abatement District, states, for it is not the size of the ponds, but whether they are kept clean or not.

Bob Peterson, Los Banos resident, states his concern is the water.

The Chairman closes the public hearing.

Supervisor O'Banion states the letter received by Western United Dairymen has asked the Board to consider some recommendations and requests staff to provide input.

Following discussion, Environmental Health Director Palsgaard reads into the record the letter of request by Western United Dairymen and states Environmental Health will submit a recommendation to the Board at the next reading.

Following further discussion, the Board continues the matter until August 27, 2002 at 10:30 a.m.

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