



SUMMARY ACTION MINUTES

MERCED COUNTY BOARD OF SUPERVISORS

Regular Meeting TUESDAY, AUGUST 20, 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

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.*

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: 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 (a) of Section 54956.9: San Joaquin Raptor Rescue Center, et. al. vs. County of Merced, Merced Superior Court Case Number 145995

THE BOARD RECESSED INTO CLOSED SESSION AT 9:00 A.M. AND RECONVENED AT 10:10 A.M. WITH SUPERVISOR KELSEY NOT PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF

10:00 A. M.

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS

ADMINISTRATION - Recognition of In-Home Supportive Services Advisory Committee Members

REVIEW BOARD ORDER – SEE PAGE 8

OVERVIEW - Pacific Gas & Election Company - Franchise Fee Agreements

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)

The following person spoke: Sharon Cameron

UC MERCED PROJECT - LIAISON REPORT

RECEIVED REPORT FROM UC LIAISON KATHLEEN CROOKHAM

APPROVAL OF CONSENT AGENDA CALENDAR (Item # 1 - 16)

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 8

THE BOARD FINDS THE NEED TO CONSIDER AND CONVENE IN CLOSED SESSION THAT AROSE AFTER THE POSTING OF THE AGENDA AND PLACES THE MATTER ON THE AGENDA FOR CLOSED SESSION AYES: 1, 2, 3, 5 NOT PRESENT: 4

10:30 A. M.

PLANNING - PUBLIC HEARING

To receive comments on an Application for a Planning and Technical Assistance Grant from Calif. Dept. of Housing & Community Dept. for \$35,000 to the community of Delhi

REVIEW BOARD ORDER – SEE PAGE 9

PLANNING - PUBLIC HEARING

To consider the Annual Grantee Performance Report for the 2001 CDBG General Allocation Housing Rehabilitation Program, the 2000 CDBG Economic Development allocation Castle Air Force Base Public Infrastructure Project, a review of Program Income and adoption of the CDBG Housing Program Income Reuse Plan

REVIEW BOARD ORDER – SEE PAGES 9 AND 10

10:30 A. M.

PLANNING - PUBLIC HEARING

To consider an appeal submitted by Cipriani Brothers to Planning Commission decision on Zone Variance Application No. 02008 and Minor Subdivision Application No. 02012. Said Application is to vary from the minimum parcel size of 20 acres in the A-1 (General Agricultural) zone and re-subdivide six lots of an antiquated subdivision into four lots of 4.2 acres, 18.7 acres, 19.1 acres and 19.6 acres located at the southeast corner of Denton and Leak Roads and Cozzi Road in the Dos Palos area

REVIEW BOARD ORDER – SEE PAGES 10 AND 11

ADMINISTRATION - PROPOSED ORDINANCE - FIRST READING - SET SECOND READING AND POSSIBLE ADOPTION FOR AUGUST 27, 2002 AT 10:30 A.M.

To consider an Amendment to change the County Administrative Office to the County Executive Office (Amends Chapter 2.08 of the County Code)

REVIEW BOARD ORDER- SEE PAGE 11

ADMINISTRATION - PROPOSED ORDINANCE - FIRST READING - SET SECOND READING AND POSSIBLE ADOPTION FOR AUGUST 27, 2002 AT 10:30 A.M.

An Ordinance to establish the In-Home Supportive Services (IHSS) Public Authority

REVIEW BOARD ORDER- SEE PAGE 11

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items # 1 - 16)

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

Public Works

1. Waive restriction of use of amplified sound equipment for the Southerland-Teeney Wedding Party on September 28, 2002 at Lake Yosemite (Veterans Cove).
2. Waive restriction of use of amplified sound equipment for Alvarado Baptismal Reception on August 24, 2002 at Hagaman Park (Pit #1)
3. Approve and authorize Public Works Director to sign Change Order to Contract No. 200294 with Commercial Construction for the HSA-Phase III Office Remodel in the amount of \$8,548.

Probation

4. Approve and authorize Chairman to sign Contract No. 99185 with Livingston Police Department to provide office space for the Probation Department.

Mental Health

5. Approve and authorize Chairman to sign Amendment to Contract No. 2001114 with State Dept. of Alcohol and Drug Programs for provision of local alcohol and drug services.

ADOPTED RESOLUTION NO. 2002-151

6. Approve and authorize Chairman to sign Renewal Contract No. 2002122 with Delhi Unified School District for provision of services to non-MediCal students referred by school psychologist.

Human Services Agency

7. Approve and authorize Chairman to sign Amendment to Contract No. 2002107 with Merced County Office of Education to allow additional participants in the Summer Youth Services Program.
8. Approve and authorize Chairman to sign Renewal Contract No. 10028 with Mental Health for Mental Health Services to CalWORKs employment and training participants.
9. Approve and authorize Chairman to sign Renewal Contract No. 2000177 with Moss Beach Homes, Inc. to provide services of two full time home visitors and the supervision time for the home visitors.
10. Approve and authorize Chairman to sign Renewal Contract No. 10027 with Mental Health for Alcohol and Drug Counseling Services to CalWORKs employment and training counselors.
11. Approve and authorize Chairman to sign Renewal Contract No. 7043 with Community Action Agency for license of facilities for a senior citizen food service area for Congregate and Home-Delivered Meals Program.
12. Approve and authorize Chairman to sign Renewal Contract No. 9511 with Private Industry Training Dept. to provide employment training to low-income older workers.
13. Approve and authorize Chairman to sign Renewal Contract No. 9090 between Area Agency on Aging and Human Services Agency to provide Management and Administrative Services over Area Agency on Aging.

Private Industry Training Department

14. Approve and authorize Chairman to sign Amendment to Contract No. 2002105 with Jobs for Calif. Graduates-Merced County, Inc. to provide workforce development services and activities to WIA youth.

UC Merced

15. Approve and authorize Chairman to sign Renewal Contract No. 200151 with Miller and Associates for planning assistance on the UC Merced project.

Board of Supervisors

16. Change the Board Meeting calendar to allow participation at the CSAC Annual Conference and cancel the Board Meeting of November 19, 2002 and schedule a Board Meeting on November 12, 2002 at 10:00 a.m.

REGULAR CALENDAR

BOARD ACTION

HEALTH

17. Contract between Merced County Children and Families Commission and Emergency Medical Services (EMS) Agency for \$25,000 to fund Pediatric Equipment and Training.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002167 AND APPROVED RECOMMENDATION AYES: 1, 2, 3, 5 NOT PRESENT: 4

MENTAL HEALTH

18. Resolution authorizing State Dept. of Mental Health to withhold and transfer additional funds in the amount of \$10,400 for a maximum of \$20,000 to the Calif. Mental Health Directors Association to fund the Administrative services organization that will arrange for the provision of mental health services for Medi-Cal eligible children from Merced County who are placed out-of-county.

ADOPTED RESOLUTION NO. 2002-152 AND APPROVED RECOMMENDATION AYES: 1, 2, 3, 5 NOT PRESENT: 4

HUMAN SERVICES AGENCY

19. Approve Certificate of Compliance (Renewal Contract No. 99163) with Calif. Dept. of Veterans Affairs for Veteran's Service Program funding.

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

20. Approve Certificate of Compliance (Renewal Contract No. 7640) with Calif. Dept. of Veterans Affairs for Veteran's Services Medi-Cal Cost Avoidance Programs funds.

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

GENERAL SERVICES

21. Contract with Steve Nelson Auctions for Auctioneer Services for the disposition of surplus property at the County Yard with property listing to be returned to the Board with a specific date; authorize property to be declared surplus at General Services Surplus Warehouse and Castle Airport and Aviation Development Center with listing to be returned to the Board and sold at public auction.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200219 AND APPROVED RECOMMENDATION AYES: 1, 2, 3, 5 NOT PRESENT: 4

22. Declare Surplus Property as noted in Exhibit A Listing and authorize the disposal at County public sale to be held on August 30 and 31, 2002 and authorize the establishment of a new Change Fund in the amount of \$600.

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

23. Declare the Jet Engine Blast Deflectors and Assembly Line Equipment surplus property and authorize its disposal; authorize issuance of Invitation to Bid for the Castle Beautification Project to include the removal of miscellaneous scrap wood, metal, paint, furniture, shelving from selected locations and the disassembly and removal of assembly line equipment and assorted jet engine blast deflection barriers and authorize issuance of Purchase Order to the highest successful bidder subject to approval of Counsel.

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

SHERIFF

24. Authorize the Sheriff to identify available office space for the Sheriff Detective/major crime/investigative services needs and return to the Board for approval.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

ADMINISTRATION

25. Authorize non-aligned Extra Help Special Projects Coordinator at \$33/hour to Auditor-Controller.
ADOPTED RESOLUTION NO. 2002-153 AND APPROVED RECOMMENDATION AYES: 1, 2, 3, 5 NOT PRESENT: 4
26. Contract with Merced County Office of Education for School Readiness Planning and Program Development.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002166 AND APPROVED RECOMMENDATION AYES: 1, 2, 3, 5 NOT PRESENT: 4
27. Authorize the Risk Manager to complete the necessary documents to change Management Disability coverage from Cigna to Reliance Standard and implement the short-term plan provision effective September 1, 2002.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4
28. Contract with David Donn Consulting for Consultant Services regarding Workers Compensation Medical Cost Containment Services Request for Proposal (RFP)
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002165 AND APPROVED RECOMMENDATION AYES: 1, 2, 3, 5 NOT PRESENT: 4

BOARD APPOINTMENTS

BOARD INFORMATION & POSSIBLE ACTION

- ACCEPTED AND PLACED ON FILE AYES: 1, 2, 3, 5 NOT PRESENT: 4**
29. Sheriff re: Annual Financial Reporting-Inmate Welfare Trust Fund for FY 2001/02.
30. Kings County Board of Supervisors re: Request to adopt a similar resolution recognizing the contributions to air quality that production agriculture provides to our valley.
31. San Mateo County Board of Supervisors re: Urging the Board to create similar financial information privacy protections in your local jurisdiction as noted in adoption of an ordinance to protect consumers from the unwanted selling and sharing of consumers' personal financial information.
32. Calif. High Speed Rail Authority re: Notice of Public Meeting to be held on August 21, 2002 in Fresno.
33. CALFED Bay-Delta Program re: Meeting Notice of Drinking Water Subcommittee for Calif. Bay-Delta Public Advisory Committee for August 23, 2002 in Sacramento.
34. State Dept. of Wildlife Conservation Board re: Notice of Meeting set for August 22, 2002. (On file with Clerk)
35. State Dept. of Health Services re: Child Health and Disability Prevention (CHDP) Program Plan and Budgets Approval for FY 2002-2003.

36. Calif. State Rural Health Association re: Second Annual Rural Health Conference set for December 4 - 6, 2002.
37. California Attorney General's Office of Native American Affairs re: Tribal and State Justice Summit 2002 set for October 27-30, 2002.
38. Citizens Against Lawsuit Abuse re: Invitation to Board to join supporters in Sacramento region in increasing public attention and proclaim September 30 - October 4, 2002 as Lawsuit Abuse Awareness Week.

ADOPTED RESOLUTIONS AND ADJOURNED THE MEETING IN MEMORY OF DR. FLOYD KOEBEL AND MIKE HAMMER UNTIL TUESDAY, AUGUST 27, 2002 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – AUGUST 20, 2002

10:00 A. M. SCHEDULED ITEM

2002-08-20 PRESENTATIONS

The Board presents Certificates of Recognition to the following Merced County In-Home Supportive Services (IHSS) Advisory Committee members that participated to help in the establishment of the IHSS Public Authority: Pegg Eyerma, Helen Jackson, Wilma Juliussen, Florence Martin, John Mowrer, Elnora Reed, Rosa Shaughnessy, Rachel Trujillo and Edith Watson.

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

Not Present: Kelsey

10:00 A. M. SCHEDULED ITEM

2002-08-20 PRESENTATION

Pacific Gas and Electric Company (PG&E) Business Development Representative Josephine Ferreira submits and states PG&E's plan of reorganization will result in the need for the County of Merced to issue new energy franchises and reviews the plan and process.

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

Not Present: Kelsey

10:00 A. M. ADDED AGENDA ITEM

2002-08-20 ADMINISTRATION

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 Closed Session discussion as follows: Closed Session pursuant to Subdivision (e) of Section 54957 concerning a conference with the County of Merced Staff Negotiators concerning negotiations with Unit 2-MCSEA, Unit 10-Deputy Sheriff Association and Unit P-Merced County Law Enforcement Sergeants and places the item on the agenda for consideration.

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

Not Present: Kelsey

10:30 A.M. SCHEDULED ITEM
2002-08-20 PLANNING – PUBLIC HEARING

The time and date previously set for a Public Hearing to consider the Fiscal Year 2002 Community Development Block Grant Planning and Technical Assistance Allocation Program as it pertains to the Delhi County Water District and Sewer Facilities Study in the County of Merced as submitted by the Planning and Community Development Department.

Planning and Community Development Director Bill Nicholson reviews the Staff Report advising the County of Merced is applying for a Technical Assistance Allocation in the amount of \$35,000 for the purpose of conducting an infrastructure study of the water and sewer facilities and to prepare a map showing the recommended improvements to the existing system and the future improvements for the Delhi County Water District.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board approves and authorizes the Planning and Community Development Department to submit an Application for \$35,000 Planning and Technical Assistance Grant from HCD, Community Development Block Grant, Planning/Technical Assistance Allocation for use in the community of Delhi, authorizes the Planning and Community Development Director and Deputy Director to sign all related application documents, including Contract No. 2002202 with Calif. Dept. of Housing and Community (HCD) Development and adopts Resolution No. 2002-154.

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

Not Present: Kelsey

10:30 A.M. SCHEDULED ITEM
2002-08-20 PLANNING – PUBLIC HEARING

The time and date previously set for a Public Hearing to consider the Annual Grantee Performance Report for the 2001 Community Development Block Grant (CDBG) General Allocation Housing Rehabilitation Program, the 2000 CDBG Economic Development Allocation Castle Air Force Base Public Infrastructure Project, a review of Program Income and adoption of the CDBG Housing Program Income Reuse Plan as submitted by the Planning and Community Development Department.

Planning and Community Development Director Bill Nicholson reviews the Staff Report and Business-Economic Opportunities Director John Fowler provides an update on the Castle demolition status stating about 55 structures/buildings will be removed and should be completed in February, 2003.

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 Guidelines to establish Policies and Procedures for the administration and utilization of Program Income received as a result of activities funded under the Community Development Block Grant (CDBG) Program; authorizes the Business-Economic Opportunities Director to act on all matters related to the Business Retention/Expansion Revolving Loan Account and authorizes the Planning Director to act on all matters related to the Housing Preservation

Revolving Loan Acct in connection with the approved Program Income Reuse Plan and to sign all related documents as needed; authorizes the County Executive Officer to sign the Report and adopts Resolution No. 2002-155.

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

Not Present: Kelsey

10:30 A. M. SCHEDULED ITEM
2002-08-20 PLANNING – PUBLIC HEARING

The time and date previously set for a Public Hearing to consider an Appeal submitted by Cipriani Brothers to Planning Commission decision on Zone Variance Application No. 02008 and Minor Subdivision Application No. 02012 to vary from the minimum parcel size of 20 acres in the A-1 (General Agricultural) zone and re-subdivide six lots of an antiquated subdivision into four lots of 4.2 acres, 18.7 acres, 19.1 acres located at the southeast corner of Denton and Leak Roads and Cozzi Road in the Dos Palos area as submitted by Planning Department.

Planning and Community Development Deputy Director Butch Cope reviews the Staff Report and the Planning Commission decision and findings.

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

Duane Andrews, Golden Valley Engineering, representing the Cipriani Brothers requests the Board to uphold the appeal and overturn the Planning Commission's determination.

Following a lengthy discussion on the use of the property, substandard lots and the alternatives, Supervisor Crookham moves, seconded by Supervisor Rivero, to equalize the three lots with the 20 acres.

The Chairman calls for a Vote on the Motion.

Supervisors Cortez Keene and O'Banion vote "no". Motion fails.

Ayes: Rivero, Crookham

Noes: Cortez Keene, O'Banion

Not Present: Kelsey

Following further discussion, Supervisor O'Banion moves, seconded by Supervisor Cortez Keene, the Board approves the appeal as presented approving the parcel split as requested by the property owner and the documents necessary for the approval as been presented be approved as part of the record; therefore the Board upholds the Appeal and Overturns the determination of the Planning Commission and approves the four lot re-subdivision; adopts the following finding:

The Board finds the project is exempt from the California Environmental Quality Act as per Section 15061(b) (3) of the CEQA Guidelines as it can be seen with certainty there is no possibility the project could have a significant impact on the environment. Zone Variances are evaluated on a case-by-case basis upon the decision making body's ability to make the zone variance findings. Therefore granting of a zone variance does not guarantee approval of future similar zone variances.

And subject to the following conditions:

1. The Zone Variance No. 02008 shall be valid as long as Minor Subdivision Application No. 02012 is valid.
2. A Parcel Map shall be recorded within two years of the Planning Commission approval date.
3. The property owner shall dedicate a 50 foot radius at the intersection of Cozzi Road and Denton & Leak Roads for right-of-way. Dedication shall be shown on the parcel map.
4. The owner shall dedicate private irrigation easements as necessary to allow continued irrigation rights of the parcels. The easements shall be shown on the parcel map.
5. Right-to-Farm Certificate shall be placed on the parcel map informing the future residents of the resulting parcels of the inconveniences that they may encounter from living adjacent to active farming operations.
6. For the purpose of condition monitoring, a fee in the amount of **\$60.00** shall be paid prior to recording the parcel map.

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

Not Present: Kelsey

10:30 A.M. SCHEDULED ITEM

2002-08-20 ADMINISTRATION – PUBLIC HEARING

The time and date previously set for a Public Hearing to consider an Amendment to the Ordinance to change the County Administrative Office to the County Executive Office (Amends Chapter 2.08 of the County Code) as submitted by the Administrative Office.

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

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board waives further reading of the Proposed Ordinance and sets the second reading and possible adoption for August 27, 2002 at 10:30 a.m.

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

Not Present: Kelsey

10:30 A.M. SCHEDULED ITEM

2002-08-20 ADMINISTRATION – PUBLIC HEARING

The time and date previously set for a Public Hearing to consider an Ordinance to establish the In-Home Supportive Services (IHSS) Public Authority as submitted by Administration.

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 sets the second reading and possible adoption for August 27, 2002 at 1:30 p.m. to coincide with FY 2002/2003 Final Budget Hearings.

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

Not Present: Kelsey