



# SUMMARY ACTION MINUTES

## MERCED COUNTY BOARD OF SUPERVISORS

### Regular Meeting

**TUESDAY, AUGUST 27, 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 Cases

**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**

**PRESENTATION - MERCED IRRIGATION DISTRICT  
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**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 9)  
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 9  
THE BOARD FINDS THE NEED TO CONSIDER A RESOLUTION FOR THE LEGISLATIVE PLATFORM WHICH AROSE AFTER THE POSTING OF THE AGENDA AND PLACES THE MATTER ON THE AGENDA FOR CONSIDERATION AYES: 1, 2, 3, 5 NOT PRESENT: 4**

10:30 A. M.

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

To consider an Amendment to change the County Administrative Office to the County Executive Office (Amends Ordinance No. 1671 and 1673 and Chapter 2.08 of the County Code)

**REVIEW BOARD ORDER – SEE PAGE 8**

**HEALTH - PROPOSED ORDINANCE - FIRST READING, SET SECOND READING AND POSSIBLE ADOPTION FOR SEPTEMBER 17, 2002 AT 10:30 A.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 PAGE 9**

**REPORTS/BOARD DIRECTION**

County Executive Officer  
County Counsel  
County Auditor  
Board of Supervisors Members

**LUNCH BREAK**

1:30 P.M.

**FINAL BUDGET FOR 2002/2003 - PUBLIC HEARING**  
(See Budget Agenda)

**CONSENT CALENDAR (Items # 1-9)**

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

Public Works

1. Waive the restriction of the use of amplified sound equipment by the Committee to Elect Mike Nelson Fundraiser on August 29, 2002 at Lake Yosemite-Veterans Cove.
2. Adopt Resolution of Intent and set public hearing for September 10, 2002 at 10:30 a.m. to consider Road Name Change changing the name of Appaloosa Way west of Palomino Lane to Appaloosa Court in the Atwater area.

**ADOPTED RESOLUTION NO. 2002-156**

Health

3. Approve Amendment to Contract No. 2000175 with State Dept. of Health Services for the Housing Opportunities for Persons with AIDS Program to increase contract amount by \$4,623.

Private Industry Training Department

4. Approve and authorize Chairman to sign Amendment to Contract No. 200115 with Merced County Office of Education for workforce development services for ROP youth.

Mental Health

5. Adopt Resolution authorizing Chairman to sign Amendment to Contract No. 200170 with State Dept. of Alcohol and Drug Programs for Comprehensive Drug Court Implementation Grant Award to extend the availability of Project Year One Funds.

**ADOPTED RESOLUTION NO. 2002-157**

6. Approve and authorize submission of Application to State Dept. of Mental Health for Substance Abuse and Mental Health Services Administration (SAMHSA) funding and authorize the Mental Health Director to sign necessary documents and certifications.

Human Services Agency

7. Approve and authorize Chairman to sign Renewal Contract No. 2000235 with UC Davis for Management Training and Staff Training and Contract No. 10292 with UC Davis for Child Welfare Services staffing training.

Board Recognition

- 8. Authorize Certificates of Recognition for Staff Appreciation Day to Richard Chavez, Pat Rocha, Irene Ayes, Chantage Salazar, Mark Perry, Paul Williams and Angie Machado in recognition of outstanding service.
- 9. Authorize presentation of plaque to Wayne Parrish for outstanding service to the County of Merced for period of March 20, 1995 through August 15, 2002.

**REGULAR CALENDAR**

**BOARD ACTION**

PUBLIC WORKS

- 10. Authorize reinstatement of Celeste Community Clean-Up on a Trial Basis and approve holding said event on September 28, 2002 instead of the Spring of 2003 and amends Planada Community Clean Up event from September 14, 2002 to September 21, 2002.

**REVIEW BOARD ORDER – SEE PAGE 7**

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

- 11. Authorize the maximum expenditure of \$4,000 to D&D Associates Management Consultants to provide training and follow-up for the Franklin-Beachwood Municipal Advisory Council from Special Board Project Funds-District Three and authorize the maximum expenditure of \$3,000 to D&D Associates Management Consultants to provide follow-up training to the Delhi and Winton Municipal Advisory Council's from Special Board Project Funds-District Four.

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

HEALTH

- 12. Authorize release of a Request for Proposal (RFP) and any necessary subsequent RFP's to seek qualified auto dismantlers to institute Board approved Abandonment Vehicle Ordinance No. 1677.

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

- 13. Adopt Resolution approving the proposed revisions to the policies and procedures for the Indigent Health Care Programs (IHCP) and IHCP Program Policy Manual.

**ADOPTED RESOLUTION NO. 2002-158 AND APPROVED RECOMMENDATION  
AYES: 1, 2, 3, 5    NOT PRESENT: 4**

PRIVATE INDUSTRY TRAINING DEPARTMENT

- 14. Authorize submittal of Application to the Governor's 25% Funds for Dislocated Workers for approximately \$100,000 to implement programs designed to assist and train dislocated workers and authorize the Director of Private Industry Training Department to sign the appropriate documents and to return to the Board if awarded.

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

- 15. Approve the name change of Private Industry Training Department to Merced County Department of Workforce Investment.

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

PLANNING

16. Authorize preparation of Application for \$600,000 in funding for a countywide housing rehabilitation grant from the Calif. State Dept. of Housing and Community Development (HCD) under the Home Investment Partnerships (HOME) Program, authorize release of Request for Proposals (RFP) to qualified consultants for implementation and direct Staff to return to the Board for final approval and authority.

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

17. Community Plan Update for Hilmar based on property owner advancement of funds - Board direction and other action required.

**REVIEW BOARD ORDER – SEE PAGE 9 AND 10**

ADMINISTRATION

18. Miscellaneous Personnel Items related to current MOU commitments, cleanup of prior Board actions and issues pending for mid-year.

**REVIEW BOARD ORDER – SEE PAGES 7 and 8**

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

19. Approve Merced County vision, mission and values statements and direct the County Executive Officer to distribute throughout all County departments, approve Merced County Logo and Slogan and direct the County Executive Office to implement a Countywide Plan including graphical standards and guidelines for use on all official County documents and identification or promotional materials.

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

COUNTY COUNSEL

20. Adoption of Resolution to change the Board Election Cycle of the Los Banos Unified School District as requested.

**ADOPTED RESOLUTION NO. 2002-162 AND APPROVED RECOMMENDATION**

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

PROBATION

21. Authorize submission of the Violence Against Women Grant application to OCJP, authorize Chief Probation Officer to act on the County's behalf and execute appropriate application documents and direct Probation return to the Board and advise of the status of the Application.

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

BOARD APPOINTMENTS

**REVIEW BOARD ORDER – SEE PAGE 8**

**AREA AGENCY ON AGING ADVISORY COUNCIL AND SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD) CITIZENS ADVISORY COMMISSION**

**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**

22. Library re: Merced County Children & Families Commission Mini-Grant Award.

23. Santa Clara Valley Water District re: Notice of Preparation of an Environmental Impact Report/Environmental Impact Statement and Public Scoping Meetings August 26 and 27, 2002.
24. State Fish and Game Commission re: Agenda for August 29, 2002. (On file with Clerk)
25. State Wildlife Conservation Board re: Minutes of May 23, 2002. (On file with Clerk)
26. State Board of Equalization re: California Code of Regulations, Title 18-Public Revenues, Property Tax Rule 305.3, Application for Equalization under Revenue and Taxation Code Section 469 - Amended regulation effective May 17, 2002. (On file with Clerk)
27. State Board of Equalization re: California Code of Regulations, Title 18-Public Revenues, Property Tax Rule 138, Exemption for Aircraft being repaired, overhauled, modified or serviced - Amended regulation adopted and effective May 20, 2002. (On file with Clerk)
28. Calif. Space Authority re: Invitation to attend International Satellite and Communications Exchange Conference and Expo on August 27-29, 2002.
29. The California Wellness Foundation re: 2002 Voter Survey Results - "State of the State of Youth Violence Prevention".

**ADOPTED RESOLUTIONS AND CONTINUED THE MEETING IN MEMORY OF JOSE VALENTIN UNTIL 1:30 P.M. FOR BUDGET HEARING SESSION**

## **BOARD ORDERS – SUMMARY ACTION MINUTES – AUGUST 27, 2002**

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

#### **2002-08-27 PRESENTATION**

Ross Rogers, General Manager and CEO and Ted Selb, Assistant General Manager-Water Resources of Merced Irrigation District, presents an overview and update of the Merced Water Supply Plan and Update – A Cooperative Regional Plan for Eastern Merced County.

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

Not Present: Kelsey

### **ACTION ITEM NO. 10**

#### **2002-08-27 PUBLIC WORKS**

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board approves the 2002/2003 Community Clean Up Program calendar reinstating the Celeste Community Clean-up on a Trial Basis holding the event on September 28, 2002 instead of the Spring 2003 and amends Planada Community Clean Up Event from September 14, 2002 to September 21, 2002.

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

Not Present: Kelsey

### **ACTION ITEM NO. 18**

#### **2002-08-27 ADMINISTRATION**

Upon motion of Supervisor Crookham, seconded by Supervisor O'Banion, duly carried, the Board takes the following action relative to Miscellaneous Personnel Items related to current MOU commitments, language clean-up, prior Board Actions, Contract 2001-2002 and issues pending for mid-year:

1. Approves modifying and updating the criteria for Assessor Special Pay;
2. Allocates two Special Pay positions to the Public Defender;
3. Approves amendments to Resolution 2002-114 to extend COLA adjustments, authorizes management leave time as previously approved by the Board on June 27, 2002, and adjust A Level allowance amounts;
4. Approves language regarding the application of Special Duty Pay for Juvenile Institution Officers;
5. Approves the addition of Extra Help Social Worker III and IV A/B to be eligible to receive the same on-call benefits as regular Social Worker positions when assigned to on-call coverage;
6. Pursuant to the provisions of Contract No. 2001202, adopts a Resolution to adjust the salary of the CEO effective August 26, 2002;
7. Directs Management Services to return to the Board with recommendations for Environmental Health Specialists on September 10, 2002;
8. and adopts the following Resolutions: Resolution No. 2002-159-Compensation for Unrepresented Management, Resolution No. 2002-160-CEO Compensation, Resolution No.

2002-161–Salary Adjustments and Resolution No. 2002-164–Amending Rules and Regulations

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

Not Present: Kelsey

**ACTION ITEM**

**2002-08-27 AREA AGENCY ON AGING**

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board appoints Ida Olson to serve as a member of the Area Agency on Aging Advisory Council representing District Five until January 31, 2005.

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

Not Present: Kelsey

**ACTION ITEM**

**2002-08-27 BOARD OF SUPERVISORS**

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board appoints Pheakdey Preciado to the San Joaquin Valley Air Pollution Control District Citizens Advisory Council.

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

Not Present: Kelsey

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

**2002-08-27 ADMINISTRATION – ORDINANCE NO. 1679 ADOPTED**

The time and date previously to consider an Amendment to Proposed Ordinance changing the County Administrative Office to the County Executive Office (Amends Ordinance No. 1671 and 1673 and Chapter 2.08 of the County Code) 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 O'Banion, duly carried, the Board adopts Ordinance No. 1679 to change the County Administrative Office to the County Executive Office (Amending Ordinance No. 1671 and 1673 and Chapter 2.08 of the County Code).

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

Not Present: Kelsey



**10:30 A.M. SCHEDULED ITEM**  
**2002-08-27 HEALTH – PROPOSED ORDINANCE**

The time and date previously set to consider 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 Environmental Impact Report (EIR) as submitted by the Health Department.

Environmental Health Director Jeff Palsgaard reviews the staff report and outlines the proposed Ordinance.

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 waives further reading of the proposed ordinance - revisions to the Merced County Code Chapter 7.13 (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 and directs staff to prepare the appropriate findings, overriding considerations, a mitigation monitoring or reporting program and continues the matter until September 17, 2002 for certification of the EIR and a second reading and possible adoption.

Ayes: Rivero, Cortez Keene, Crookham, O'Banion  
Not Present: Kelsey

**10:00 A. M. ADDED AGENDA ITEM**  
**2002-08-20 ADMINISTRATION**

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board finds the need arose, subsequent to the posting of the agenda, to consider discussion on the legislative platform and places the item on the agenda for consideration.

Ayes: Rivero, Cortez Keene, Crookham, O'Banion  
Not Present: Kelsey

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board requests Assembly Member Matthews author legislation that would provide the authorization to consolidate the Marshal's Office with the Sheriff Office and protect the employees in consolidation and adopts Resolution No. 2002-163.

Ayes: Rivero, Cortez Keene, Crookham, O'Banion  
Not Present: Kelsey

**ACTION ITEM NO. 17**  
**2002-08-27 PLANNING**

The Chairman states the matter will be held over for further discussion until later in the day when a full quorum is present.

Present: Rivero, Cortez Keene, Crookham, O'Banion  
Not Present: Kelsey

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Later in the day with all Board members present, Planning and Community Development Director Bill Nicholson reviews the staff report and recommendation on the Community Plan Update for Hilmar based on property owner advancement of funds.

Jerry Morrison, resident, speaks in support of the update for Hilmar stating there has not been an update to the community plan for 20 years.

Harold Callahan, Hilmar property owner, states property owners are here to offer the County of Merced an advancement of funds in the amount of \$200,000 to initiate the community plan update and move the project along.

Following discussion, Supervisor O'Banion states he is not willing to go forward on any reimbursement agreement as the Board has not done this in the past and requests review of the past history on the Santa Nella Project.

Following further discussion, Planning Director Bill Nicholson provides a Santa Nella update on the reimbursement and project.

Following a lengthy discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board directs Planning Staff to work with the developers and appropriate legal staff and other county staff as necessary to address all concerns discussed to cover all commitments and return to the Board.

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