



# SUMMARY ACTION MINUTES

## MERCED COUNTY BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, SEPTEMBER 17, 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. (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: One Case

**CLOSED SESSION:** It is the intention of the Board to meet in Closed  
Session pursuant to Subdivision (e) of Section 54957:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: County Executive Officer

**THE BOARD RECESSED INTO CLOSED SESSION AT 9:00 A.M.  
AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND  
THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF AND THE  
BOARD WILL MEET IN CLOSED SESSION AT THE CONCLUSION OF THE  
MEETING**

10:00 A. M.

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**PRESENTATION - CALIFORNIA WELCOME CENTER**

**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 7**

**UC MERCED PROJECT - LIAISON REPORT**

**RECEIVED REPORT FROM UC LIAISON KATHLEEN CROOKHAM**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Health - \$7,200**

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items # 1 - 20)**

**APPROVED AS RECOMMENDED AYES: ALL**

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

**ADDED AGENDA ITEM:**

**REVIEW BOARD ORDER – SEE PAGE 7**

**THE BOARD FINDS THE NEED TO CONSIDER THE SALE AND RE-OFFER OF TAX-DEFAULTED PROPERTY AROSE AFTER THE POSTING OF THE AGENDA AND PLACES THE MATTER ON THE AGENDA FOR CONSIDERATION AYES: ALL**

**THE BOARD ADOPTS RESOLUTION AUTHORIZING THE SALE AND RE-OFFER OF THREE TAX-DEFAULTED PROPERTIES ON NOVEMBER 14, 2002 AT 10:00 A.M. AYES: ALL**

10:30 A. M.

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

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

**CONTINUED TO OCTOBER 1, 2002 AT 10:30 A.M.**

**REPORTS/BOARD DIRECTION**

County Executive Officer

County Counsel

County Auditor

Board of Supervisors Members

CONSENT CALENDAR (Items #1 - 20)

**APPROVED AS RECOMMENDED**

**AYES: ALL**

Public Works

1. Authorize the "For Our Kids" Group to use Lake Yosemite Park facilities Rotary Coves I and II on May 4, 2003 and waive the restriction on amplified sound equipment for the Annual Cinco de Mayo event.
2. Waive the restriction on amplified sound equipment by the United States Penitentiary Atwater Employees Club on September 28, 2002 at Henderson Park (Clubhouse).
3. Authorize UC Merced to use Lake Yosemite Park facilities - Veterans Cove, Rotary Cove I and II on October 25, 2002 and waive the restriction on amplified sound equipment for the Chancellor's Inauguration and Founding Celebration.
4. Accept Final Map for Monterey Pines Phase 2 and 3 Subdivision in the Franklin-Beachwood area.
5. Set public hearing for October 15, 2002 at 10:30 a.m. to consider termination of maintenance of that portion of Fields Road that lies north of Hayward Road to the Stanislaus County Line and Hayward Road from Fields Road to the Mariposa County Line and adopt Resolution of Intent to Terminate in the Snelling community.

**ADOPTED RESOLUTION NO. 2002-182**

6. Approve and authorize Chairman to sign Amendment to Contract No. 2000125 with SCS Engineers for construction of electrical equipment necessary to enhance the landfill gas extraction system at the Highway 59 Landfill not to exceed \$25,000.

Health

7. Approve and authorize Chairman to sign Renewal Contract No. 2000233 with Healthcare Clinical Laboratories for courier services.
8. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 9116 with Teris, LLC dba MSE Environmental for household hazardous waste disposal.

**ADOPTED RESOLUTION NO. 2002-183**

Planning

9. Approve Request for Full Reconveyance for First Time Homebuyers Deferred Payment Loan provided to Um-Allah Perry and Yolanda Mendoza (Perry).
10. Approve Request for Full Reconveyance for First Time Homebuyer's Deferred Payment Loan provided to Trinidad Nuno and Jovina Perez.
11. PULLED

Mental Health

12. Approve and authorize Chairman to sign Renewal Contract No. 8058 with Fresno Care and Guidance for services provided to mental health consumers.

Human Services Agency

13. Approve and authorize Chairman to sign Renewal Contract No. 7172 with Merced Union High School District/Merced Adult School for excess costs for administrative services to CalWORKs participants.

14. Approve and authorize Chairman to sign Renewal Contract No. 2001276 with Perry/Yokley Family Development Center for After School DayCare services for up to 27 CalWORKs eligibility children or children from needy families.

#### Travel Requests

15. Approve Travel Requests for Sheriff, Public Works-Fleet and Transit.

#### Public Works-Castle

16. Approve and authorize Chairman to sign Addendum to Contract No. 2001260 with Weather Nav, Inc. for Airport Navigational Aids Maintenance.

#### Board Recognition

17. Authorize presentation of plaque to Walter and Nina Thomas in celebration of their 69th Wedding Anniversary.
18. Authorize presentation of plaque to Dos Palos Cooperative Gin, Inc. in honor of their 50th Anniversary.
19. Authorize presentation of plaque to Mona Adkins for her 13 years of service to the Atwater Elementary School District.
20. Authorize presentation of plaque to County Bank in celebration of their 25th Anniversary.

### REGULAR CALENDAR

#### BOARD ACTION

##### PUBLIC WORKS

21. Find the necessary action to complete the remedial repair of the Highway 59 Landfill composting pad without adopting plans and specifications and without public bidding as allowed in Sections 20134 and 22050 of the Public Contract Code and authorize completion of work by a combination of day labor forces and sole-source contract to Griffin Soil pursuant to said Code sections; authorize Public Works Director to sign Contract upon approval by Counsel and as required by Section 22050 of said Code, direct that the Public Works Director report to the Board on October 1, 2002 and every 14 days thereafter (if necessary) to allow review and continuation of this emergency action until termination of the remedial work.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002183 AYES: ALL**

22. Amendment to Contract No. 200192 with San Joaquin Valley Unified Air Pollution Control District extending the term for the County to be reimbursed for the Super Ultra Low Emission Vehicle Rebate.

**APPROVED AS RECOMMENDED AYES: ALL**

##### PROBATION

23. Contract with Children and Families Commission for the Strengthen and Alter Family Environment (S.A.F.E.) Project and authorize continued allocation of one deputy probation officer position for this project.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002185 AYES: ALL**

HEALTH

24. Amendment to Contract No. 7266 with State Dept. of Aids for AIDS Program Master Agreement and approve necessary budget transfer-\$1,519. (4/5 Vote Required)  
**APPROVED AS RECOMMENDED AYES: ALL**

MENTAL HEALTH

25. Contract with Merced City School District to provide educational program services for students referred to Merced County Alcohol and Drug Services' Adolescent Program.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002184 AYES: ALL**
26. Approval of Health Insurance Portability and Accountability Act (HIPAA) Extension Application Work plan; designate departments recognized as covered entities and designate the CEO as authorized to submit the Application.  
**APPROVED AS RECOMMENDED AYES: ALL**
27. Adopt a position opposing the location of a narcotics treatment program at 1289 D Street, Merced and authorize Mental Health to indicate this position on the County Recommendation Form ADP 1005 for submission to the State Dept. of Alcohol and Drug Programs.  
**APPROVED AS RECOMMENDED AYES: ALL**

ADMINISTRATION

28. Follow-Up on Personnel Issues related to Unit 5 MOU Study and Pay Differential Issue for Psychiatrist Personnel at Mental Health as follows: Approve a 5% Salary Adjustment for Environmental Health Specialist I/II/III effective the first pay period in January, 2003 (Pay Period #3) and an additional 5% Adjustment to be effective the first pay period in July, 2003 (Pay Period #16) and authorize the classification of Staff Psychiatrist and Mental Health Medical Director to receive a flat rate of \$250 per day when called back to perform necessary direct in-patient care on weekends or non-scheduled work days.  
**ADOPTED RESOLUTION NO. 2002-184 AND APPROVED AS RECOMMENDED AYES: ALL**

BOARD OF SUPERVISORS

29. Establishment of Celeste Municipal Advisory Council.  
**ADOPTED RESOLUTION NO. 2002-185 AYES: ALL**

APPOINTMENTS

30. Sequoia Area VIII Board for Developmental Disabilities Appointment.  
**APPOINTED REBECCA MOORE TO SERVE AS A MEMBER OF THE SEQUOIA AREA VIII BOARD FOR DEVELOPMENT DISABILITIES AYES: ALL**
31. Housing Authority of the County of Merced Appointments.  
**REAPPOINTED MARGARET WARMACK AND MARIA LUCIO TO SERVE AS TENANT COMMISSIONERS ON THE HOUSING AUTHORITY OF THE COUNTY OF MERCED UNTIL OCTOBER 19, 2004 AYES: ALL**

AUDITOR-CONTROLLER

32. Approve cash flow loans to the Juvenile Justice Facility Capital Project Fund from the Tobacco Settlement Funds with interest to be paid if sufficient funds exist at the end of the

construction term.

**APPROVED AS RECOMMENDED**                      **AYES: ALL**

**BOARD APPOINTMENTS**

**BOARD INFORMATION & POSSIBLE ACTION**

**ACCEPTED AND PLACED ON FILE**                      **AYES: ALL**

33. Human Services Agency re:            Electronic Benefit Transfer.
34. Project CHERISH re:            Annual Fundraising Auction on October 19, 2002.
35. Castle Air Museum Foundation, Inc. re:            Invitation to attend Annual Omelet Brunch on October 6, 2002.
36. Calif. Workforce Investment Board re:            Meeting Notice for September 19, 2002.
37. California High-Speed Rail Authority re:            Notification of two measures that are extremely important to the efforts of building the proposed high-speed rail system in a timely manner.
38. State Dept. of Alcoholic Beverage Control re: Stockton District Office to help needs related to licensing alcoholic beverage establishments and in combating disorderly and disruptive license premises.
39. Calif. Alliance for Prevention re: Notification for interested counties to apply for funds and become a part of the California Alliance for Prevention (CAP) statewide initiative.
40. State Governor's Office of Emergency Services re:            Declaration of the primary location of Santa Clara and contiguous counties of Alameda, Merced, San Benito, San Joaquin, San Mateo, Santa Cruz and Stanislaus a disaster area.

**ADOPTED RESOLUTION AND ADJOURNED MEETING IN MEMORY OF CLAUDINE SPRIGGS AND SHERYL PELOWSKI UNTIL SEPTEMBER 24, 2002 AT 10:00 A.M.**

## **BOARD ORDERS – SUMMARY ACTION MINUTES – SEPTEMBER 17, 2002**

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

#### **2002-09-17 PUBLIC OPPORTUNITY TO SPEAK**

The Chairman opens the Public Opportunity To Speak and asks if there is anyone present who wishes to speak.

Les McCabe, representing the Board of Directors of the Merced County Farm Bureau, reads and submits a letter into the record dated September 17, 2002 stating the plan to establish an NCCP/HCP not to be in the best interests of agriculture in the County.

Diana Westmoreland, on behalf of Jana Nairn, President, California Women for Agriculture, reads and submits a letter into the record dated September 16, 2002 expressing concern with the time frame set for the NCCP/HCP study.

Bryant Owens reads and submits a letter into the record dated September 17, 2002 regarding the Planning Department files availability to the public.

Lydia Miller, San Joaquin Raptor Rescue Center, reads and submits letters into the record dated September 17, 2002 regarding continued concerns with the NCCP/HCP process for Eastern Merced County and Science Advisory Panel of NCCP/HCP process for Eastern Merced County.

Maria Giampoli, Le Grand resident, states agricultural should not be part of the NCCP/HCP study plan.

Diana Westmoreland, Merced resident, expresses concerns on the NCCP/HCP and urges the Board to address all the citizens concerns and questions.

Mary Furey, Planada resident, expresses concerns.

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

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

#### **2002-09-17 TAX COLLECTOR**

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board finds the need arose, subsequent to posting of the agenda, to consider the intent to sell Tax-Defaulted Property and places the item on the agenda for consideration.

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

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board authorizes the sale and re-offer, if applicable, of three Tax-Defaulted properties as follows: APN 068-302-014 for a minimum bid of \$2,185; APN 070-250-006 for a minimum bid of \$3,836 and APN 259-010-002 for a minimum bid of \$80,785 on November 14, 2002 at 10:00 a.m. and adopts Resolution No. 2002-186.

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