



SUMMARY ACTION MINUTES

MERCED COUNTY BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, SEPTEMBER 24, 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: It is the intention of the Board to meet in Closed Session pursuant to Subdivision (f) of Section 54957.6 concerning a Conference with County of Merced Staff Negotiators concerning negotiations with American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6, and 8; Independent Employees of Merced County (IEMC), Unit 3; Merced County Lawyers' Association, Unit 7; Merced County Sheriff Employee Association (MCSEA), Unit 2; Merced County Law Enforcement Sergeants, Unit P and Deputy Sheriff Association, Unit 10

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: Director, Department of Child Support Services

CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: It is in 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

THE BOARD RECESSED INTO CLOSED SESSION AT 9:00 A.M. AND RECONVENED AT 10:05 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF

10:00 A. M.

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATION

U.S. Dept. of Agriculture Natural Resources Conservation Services - San Joaquin Valley Resource Conservation and Development Area

REVIEW BOARD ORDER – SEE PAGE 6

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 speak: Donna Crowder

UC MERCED PROJECT - LIAISON REPORT

RECEIVED REPORT FROM UC LIAISON KATHLEEN CROOKHAM

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Court Operations - \$200,000

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items # 1-11)

APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

ADDED AGENDA ITEM:

REVIEW BOARD ORDER – SEE PAGE 6

THE BOARD FINDS THE NEED TO CONSIDER A LETTER FROM GOVERNOR GRAY DAVIS ON A PRIMARY DISASTER COUNTY DESIGNATION AROSE AFTER THE POSTING OF THE AGENDA AND PLACES THE MATTER ON THE AGENDA FOR CONSIDERATION AYES: ALL

THE BOARD RATIFIES THE LETTER TO THE GOVERNOR'S OFFICE OF EMERGENCY SERVICES TO GIVE NOTICE THAT MERCED COUNTY REQUEST IT BE CONSIDERED A PRIMARY DISASTER COUNTY DUE TO DROUGHT IN THE RANGELANDS AND LOSS OF LIVESTOCK FEED AND REQUESTS MERCED COUNTY BE INCLUDED IN THE 2002 LIVESTOCK COMPENSATION PROGRAM AYES: ALL

10:30 A. M.

PLANNING - PUBLIC HEARING

Appeal of the Planning Commission decision of Zone Variance Application No. 02014 and Minor Subdivision Application No. 02026 submitted by James Brady. Said appeal is to vary from the 20 acre minimum parcel size in the A-1 (General Agricultural) zone and divide a 4.6 acre parcel into three parcels: Parcel 1=2.4 acres, Parcel 2=1.1 acres, Parcel 3=1.1 acres, on the north side of Liberty Avenue and 200 feet east of Arena Way in the Cressey area

REVIEW BOARD ORDER – SEE PAGE 6 & 7

BUSINESS ECONOMIC OPPORTUNITIES AND INFORMATION SYSTEMS -
Connecting Merced County - Community Report Workshop

REVIEW BOARD ORDER – SEE PAGE 7

REPORTS/BOARD DIRECTION

County Executive Officer
County Counsel
County Auditor
Board of Supervisors Members

LUNCH BREAK

CONSENT CALENDAR (Items # 1 – 11)

APPROVED AS RECOMMENDED AYES: ALL

Budget Transfer

1. Approve Budget Transfer submitted by Health in the amount of \$1,420.32 as recommended by Administration.

Claims for Damages

2. Act on Claims for Damages submitted by Darren Glassman, Richard Pierce, Joseph Sams and Jarrold DeWayne Scott.

Human Services Agency

3. Approve and authorize Chairman to sign Amendment to Contract No. 99078 with Bay Area Cash Assistance Program for Immigrants Consortium for Administration of Cash Assistance Program for Immigrants (CAPI).
4. Approve and authorize Chairman to sign Renewal Contract No. 10230 with Merced Community College District for Independent Living Skills Program services.

Public Works

5. Adopt Resolution authorizing the installation of a Stop Sign on Timothy Court at its intersection with Palm Street in the Delhi area.

ADOPTED RESOLUTION NO. 2002-187

Treasurer-Tax Collector

6. Grant the Tax Collector an increase in the Change Fund of \$175 for a total of \$550 and approve relief of shortage in the amount of \$20 and the replenishment in the amount of \$20.

Private Industry Training Department

7. Approve and authorize the Chairman to sign Renewal Contract No. 9819 with Richard Gerbi for Los Banos PITD Office Space.

Board Recognition

8. Authorize Certificates of Recognition to Castle-Atwater Kiwanis Club 2001-2002 Board of Directors and Officers.

Board of Supervisors

9. Approve Minutes of May 14, 21 and June 11, 18 and 25, 2002.
10. Set public hearing for October 8, 2002 at 10:30 a.m. to consider an Appeal submitted by Julio Reynoso to Planning Commission decision on Zone Variance Application No. 02012 and Minor Subdivision Application No. 02019.

Executive Office

11. Approve amendment to the job specification for County Health Officer.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

12. Contract with Office of the State Controller-Division of Local Government Fiscal Affairs to prepare the Annual Street and Road Report for FY 2001/2002 at an estimated cost not to exceed \$3,200.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002186 AYES: ALL

BUSINESS-ECONOMIC OPPORTUNITIES

13. Memorandum of Understanding with San Joaquin Delta College to provide Small Business Development Center services in Merced County.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002187 AYES: ALL

PRIVATE INDUSTRY TRAINING DEPARTMENT

14. Contract with The Greater Merced Chamber of Commerce for implementing a Workforce Academy to better engage businesses in the use and leadership of the community's workforce development system with funds awarded by the U.S. Dept. of Labor, Region 6 for technical assistance and training projects.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002188 AYES: ALL

AUDITOR-CONTROLLER

15. Approve Sheriff and District Attorney's requests for funding for Citizen's Option for Public Safety (COPS) Program funding (allocation of the Supplemental Law Enforcement Services Fund) and authorize the Auditor to apportion the COPS funds.

APPROVED AS RECOMMENDED AYES: ALL

16. Review and accept the Supplemental Law Enforcement Services Fund Report.

APPROVED AS RECOMMENDED AYES: ALL

17. Adopt the Resolution setting the Secured Property Tax Rates for the 2002-2003 Fiscal Year.

ADOPTED RESOLUTION NO. 2002-188 AND APPROVED AS RECOMMENDED AYES: ALL

HEALTH

18. Authorize termination of Healthy Families-Medi-Cal Outreach Program under the insufficient funding terms of Contract No. 99035 with the State Dept. of Health Services and authorize notice to Merced County Office of Education (Contract No. 2000253) and Livingston Medical Group (Contract No. 200252) of the termination of the Contracts effective October 31, 2002.

EXECUTIVE OFFICE

19. Contract with CSAC Human Resources Advisory Committee for Recruitment Services.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002189 AND APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

20. Public Works re: Castle Airport EDA Grant – Contract No. 2002168 Awarded to Allied Environmental, Inc. for Demolition and Site Clearing of various buildings/structures at the Castle Airport and Aviation Center.

AWARDED AND AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2002168

21. Business-Economic Opportunities re: Notification that AT&T Broadband implementation of programming and packaging changes to become effective October 1, 2002.
22. State Senator Charles Poochigian re: SB 1714, land acquisition - information.
23. State Board of Equalization re: Tulare County Assessment Practices Survey.
24. Sutter County Fish and Game Commission re: November 2002 Conference of the California County Fish and Game Commissions.
25. Calif. Attorney General's Office re: Tribal and State Justice Summit 2002.

ADJOURNED MEETING UNTIL TUESDAY, OCTOBER 1, 2002 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – SEPTEMBER 24, 2002

10:00 A.M. SCHEDULED ITEM

2002-09-24 PRESENTATION

Jerry Progner, Mariposa County representative of the U.S. Department of Ag-Natural Resources Conservation Service, submits and distributes a Fact Sheet for the Proposed San Joaquin Valley Resource Conservation and Development Area.

He reviews the counties to be covered, the sponsors, meeting dates targeted and the dues required to be a member. He requests the Board support the Application for Resource Conservation and Development Program Assistance for the San Joaquin Valley Resource Conservation and Development Area with the assistance from the U.S. Dept. of Agriculture and consider adoption of a resolution.

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

10:00 A.M. ADDED AGENDA ITEM

2002-09-24 AG. COMMISSION

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board finds a need arose, subsequent to the posting of the agenda, regarding consideration of a letter to Governor Davis requesting Merced County be considered a primary disaster county 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 Kelsey, duly carried, the Board ratifies the Letters faxed to the Governor's Office and the State Office of Emergency Services on September 19, 2002 Requesting Merced County be considered a Primary Disaster County due to drought in rangelands and loss of livestock feed.

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

10:30 A.M. SCHEDULED ITEM

2002-09-24 PLANNING – PUBLIC HEARING

The time and date previously set for a Public Hearing to consider an Appeal submitted by James Brady, Jr. to the Planning Commission denial of Zone Variance Application No. 02014 and Minor Subdivision Application No. 02026. Said application is to vary from the minimum 20 acre parcel size in the A-1 (General Agricultural) zone and subdivide a 4.6 acre parcel into three parcels: Parcel 1=2.4 acres, and Parcels 2 and 3=1.1 acres on property located on the north side of Liberty Avenue and 200 feet east of Arena Way in the Cressey area.

Bill Nicholson, Planning and Community Development Director, reviews the Staff Report and advises the Planning Commission denied the applications.

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

Mike Smith, CCPS, representing the applicant James Brady, appears stating the findings can be met since the parcel size is substandard already.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Cortez Keene, duly carried, the Board finds the Project is exempt from the Calif. Environmental Quality Act as per Section 15061(b)(3) of the CEQA Guidelines; upholds the Appeal and overturns the determination of the Planning Commission and based on Staff Findings, the Board approves Zone Variance Application No. 02014 and Minor Subdivision Application No. 02026 based on the following conditions:

1. The Zone Variance No. 02014 shall be valid as long as Minor Subdivision Application No. 02026 is valid.
2. A Parcel Map shall be recorded within two years of the Planning Commission approval date.
3. A Right-to-Farm note shall be placed on the Parcel Map to inform future owners of the inconveniences of farming operations and the priority to which Merced County places on such operations.
4. For the purpose of condition monitoring, a fee in the amount of \$46.00 shall be paid prior to recording the Parcel Map.

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

10:30 A.M. SCHEDULED ITEM
2002-09-24 PRESENTATION - BUSINESS-ECONOMIC OPPORTUNITIES AND
INFORMATION SYSTEMS

John Fowler, Business-Economic Opportunities Director, appears before the Board and provides an update on the Connecting Merced County Project which began in July, 2001 as part of the San Joaquin Valley ACCESS (Advanced Communications Connectivity for E-Commerce Strategic Success) partnership program under the guidance of the Great Valley Center and the Calif. Technology, Trade and Commerce Agency. Mr. Fowler states seven projects specified are presented and submitted with the Staff Report.

The following speak:

Andrea Baker, Merced County Private Industry Training Dept.

Sharon Twitty, Merced County Office of Education

Chris Tafoya, Hispanic Chamber

Harry Dull, Community Action Agency

Rick Breeze-Martin, Breeze-Martin Consulting

Brian Haynes, MercedNet

Sylvia Smith, Merced Union High School District

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, the Board accepts the information on the Connecting Merced County Steering Report on the seven action initiatives submitted and reviewed in Staff Report and approves recommendations for development as appropriate.

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