



# SUMMARY ACTION MINUTES

## MERCED COUNTY BOARD OF SUPERVISORS

### Regular Meeting

**TUESDAY, OCTOBER 01, 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 - 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: Name of Case: Silva v. County of Merced

**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 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)

**UC MERCED PROJECT - LIAISON REPORT**  
**RECEIVED REPORT FROM UC LIAISON KATHLEEN CROOKHAM**

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items # 1 - 16)  
**APPROVED AS RECOMMENDED AYES: ALL**

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

10:30 A. M.

**HEALTH - 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, possible approval of the findings, overriding considerations and mitigation monitoring plan

**REVIEW BOARD ORDER – SEE PAGE 8**

**PLANNING – 2002 CYCLE II GENERAL PLAN AMENDMENT – POSSIBLE ADOPTION**

General Plan Amendment No. 02002 and Parallel Zone Change Application No. 02002 - Live Oak Farms

General Plan Amendment No. 02003 and Parallel Zone Change Application No. 02003 - Atlas Storage

**REVIEW BOARD ORDER – SEE PAGE 8**

**REPORTS/BOARD DIRECTION**

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

**CONSENT CALENDAR (Items # 1 - 16)**

**APPROVED AS RECOMMENDED AYES: ALL**

Claims for Damages

1. Act on Claims for Damages submitted by Rebecca Bresnyan, Mary Herмосillo, David Pires, Emma Dominguez, Genaro Chavez and Joyce Ocken.

## Planning

2. Approve Request for Full Reconveyance for First Time Homebuyer's Deferred Payment Loan provided to Pedro and Alfonso Junez and authorize the Planning Director to sign the necessary documents.

## Public Works

3. Adopt Resolution approving the Addendum to the Revised Final EIR for the Highway 59 Expansion Landfill Project, approve the CEQA Determination and adopt a Mitigation Monitoring and Reporting Program for the new Highway 59 Landfill Water Well Project.

### **ADOPTED RESOLUTION NO. 2002-189**

## Health

4. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 8768 with State Integrated Waste Management Board for the Used Oil Program.

### **ADOPTED RESOLUTION NO. 2002-190**

5. Approve the Child Health and Disability Prevention Program, the Health Care Program for Children in Foster Care and the California Children's Services Program Plans and Budget for FY 2002/03 and authorize the Chairman to sign the Certification Statement.
6. Adopt Resolution authorizing the Chairman to sign Amendment to Contract No. 10233 with the State Dept. of Water Resources Control Board for the Merced County Animal Confinement Drainage Improvement Projects.

### **ADOPTED RESOLUTION NO. 2002-191**

## Human Services Agency

7. Approve and authorize the Chairman to sign Renewal Contract No. 2000194 with Merced Lao Family Community, Inc. for provision of outreach services to elder refugees.

## Community Action Agency

8. Accept and place CAA Information, Staff and Committee Reports on file.
9. Approve and authorize CAB Chair or CAA Executive Director to sign Amendment to Contract with State Dept. of Community Services and Development for Community Services Block Grant Program funding increase of \$31,863 to eligible participants residing in the Merced County service area.
10. Approve and authorize CAB Chair or CAA Executive Director to sign Amendment to Contract with State Dept. of Community Services and Development for the Low Income Home Energy Assistance Program increase of funding in the amount of \$60,000 for the weatherization assistance, administrative costs and outreach costs.
11. Approve and authorize CAB Chair or CAA Executive Director to sign Amendment to Contract with State Dept. of Health Services for Women's Infants and Children (WIC) Supplemental Nutrition Program increase in funding of \$7,820.
12. Approve and authorize CAB Chair or CAA Executive Director to sign Amendment to Contract with State Community Services and Development (CSD) for transfer in funds in the amount of \$45,847 from Funding Category Assurance 16 to the funding category of Weatherization Funding Category.

13. Approve and authorize CAB Chair to sign Contract with State Employment Development Department, Workforce Investment Division for funding in the amount of \$359,644 for CAA Workforce Development Department to be used for small business capacity building and microenterprise programs for dislocated workers.

Auditor

14. Approve and authorize Chairman to sign Renewal Contract No. 9503 with Employment Development Department for collection information assistance.

**ADOPTED RESOLUTION NO. 2002-192**

Board Recognition

15. Authorize presentation of plaque in Dedication of the Planada School District Cesar E. Chavez Middle School.
16. Authorize presentation of plaque to Mr. and Mrs. Calvin O. Tatum in celebration of their 55th Wedding Anniversary.

**REGULAR CALENDAR**

**BOARD ACTION**

PUBLIC WORKS

17. Resolution granting the Merced County Solid Waste Policy Board authority to re-establish the Integrated Waste Management Local Task Force.

**ADOPTED RESOLUTION NO. 2002-193 AS RECOMMENDED AYES: ALL**

18. Authorize the expenditure of \$300 each from District One and District Three Special Board Project Funds to CAA Project Cherish Program and approve the necessary budget transfer.

**APPROVED AS RECOMMENDED AYES: ALL**

19. Approve Castle Airport Telecommunications Infrastructure Repairs Plans, Specifications and Working Details with a total estimated project budget of \$50,000; authorize Public Works to advertise for competitive bids, set and conduct the bid opening; authorize Public Works Director, after coordination with Director of BEO and EDA to award Contract to lowest responsive bidder providing the bid is within the project budget and authorize a Purchase Order to the contractor.

**AUTHORIZED CONTRACT NO. 2002190 WITH BASS TELECOM, INC. AYES:**

**ALL**

20. Authorize continuation of emergency repair of Highway 59 Landfill composting pad through a combination of day labor and sole-source contract with Griffin Soil as required by Public Contract Code Section 22050 of said Code, direct Public Works report to the Board on October 15, 2002 (if necessary) and every 14 days thereafter (if necessary) to allow review and continuation of this emergency action until termination of the remedial work. (4/5 Vote Required)

**APPROVED AS RECOMMENDED AYES: ALL**

PLANNING

21. Contract with Self-Help Enterprises for Consultant Services to implement and administer Grant for Housing Rehabilitation Assistance in Winton community and First Time

Homebuyer Activities countywide and authorize signing of necessary documents to secure funding for loan applicants and reimbursement by Housing and Community Development (HCD).

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002191 AYES: ALL**

**SHERIFF**

22. Approve and accept the Grant Award of \$100,629 from the Bureau of Justice Administration, 2002 Local Law Enforcement Block Grant and authorize the solicitation of proposals and acquisition of Polycom Video Conferencing Systems Contract, acquisition of Generation 9 vests for the protection of law enforcement staff and authorize the deposit of the 2002 Local Law Enforcement Block into Sheriff Trust 2575 for grant purposes and authorize the necessary budget transfer.

**REVIEW BOARD ORDER – SEE PAGE 7**

**APPROVED AS MODIFIED AYES: ALL**

**EXECUTIVE OFFICE**

23. Approve the Grand Jury Letter of Response to the Presiding Judge of the Superior Court.

**REVIEW BOARD ORDER – SEE PAGE 7**

**APPROVED AS RECOMMENDED AYES: ALL**

**BOARD APPOINTMENTS**

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

**APPOINTED MEMBERS TO THE MAY DAY FAIR BOARD AND MERCED CEMETERY DISTRICT AYES: ALL**

**BOARD INFORMATION & POSSIBLE ACTION**

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

24. Human Services Agency re: Livingston Office Services.
25. Human Services Agency re: Report of Persons Receiving Public Assistance for the month of July, 2002.
26. Superior Court re: New Court Facility Draft Concept.
27. Merced County Farmlands and Open Space Trust re: Natural Communities Conservation Plan (NCCP).
28. State Board of Equalization re: Final Regulation - Calif. Code of Regulations Title 18- Public Revenues - Property Tax Rule 138, Exemption for Aircraft being repaired, overhauled, modified or serviced.
29. State Board of Equalization re: Final Regulation - Calif. Code of Regulations Title 18 Public Revenues - Property Tax Rules - Local Assessment Roll Procedures. (On file with Clerk)
30. State Board of Equalization re: Los Angeles County Assessment Practices Survey - August 2002. (On file with Clerk)
31. State Board of Equalization re: Sierra County Assessment Practices Survey - August 2002. (On file with Clerk)

32. Governor's Office of Emergency Services re: Submission of counties to U.S. Dept. of Agriculture for consideration for a Secretarial disaster designation based on action of the U.S. Dept. of Ag. Farm Services Agency (FSA) County Committees.
33. Governor's Office of Emergency Services re: Follow Up Letter to September 19, 2002 request from Merced County to the U.S. Dept. of Agriculture (USDA) for a disaster designation due to drought and notification of deadline date of September 26, 2002 to provide information supporting the request for the designation.
34. Senator Jackie Speier re: Legislation to protect California's consumers' financial privacy. (On file with Clerk)
35. U.S. Dept. of the Interior-Fish and Wildlife Service re: Recovery Plan for the Calif. Red-Legged Frog. (On file with the Clerk)

**ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF BILL PASSADORI, PATTI MCNAMARA AND PHIL BLACKSTONE UNTIL TUESDAY, OCTOBER 8, 2002 AT 10:00 A.M.**

**BOARD ORDERS – SUMMARY ACTION MINUTES – OCTOBER 1, 2002**

**ACTION ITEM NO. 22**

**2002-10-01 SHERIFF**

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board modifies the recommendations submitted by the Sheriff as follows:

1. Approves and accepts the Grant Award of \$100,629 from the Bureau of Justice Administration, 2002 Local Law Enforcement Block Grant.
2. Authorizes General Service Director to solicit proposals and negotiate for acquisition of Polycom Video Conferencing Systems and required ancillary items for set-up. Request that the General Services Director have the ability to negotiate with various vendors to ensure the best price of the two Polycom Video Systems and ancillary equipment.
3. Authorizes General Services Director to solicit proposals and negotiate for acquisition of Generation 9 vests for the protection of law enforcement staff, subject to Counsel concurrence and authorize signing of Contract.
4. Authorizes the Sheriff to deposit the 2002 Local Law Enforcement Block into Sheriff Trust 2575, Local Law Enforcement Block Grant for administrative grant purposes.
5. Approves the department budget transfer in the amount of \$111,810. (4/5 Vote Required)

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

**ACTION ITEM NO. 23**

**2002-10-01 COUNTY EXECUTIVE OFFICE**

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board approves the Grand Jury Letter of Response to the Presiding Judge of the Superior Court omitting any portions that personally pertains to Supervisor-District Four and authorizes the Chairman to sign the letter.

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

**BOARD APPOINTMENTS**

**2002-10-01 MAY DAY FAIR BOARD**

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board appoints Kim Regina, representing District Two, and reappoints Diane Neves, representing District Five, and David Pruitt, Member at Large, to serve as members of the May Day Fair Board until July 1, 2006.

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

**BOARD APPOINTMENTS**

**2002-10-01 MERCED CEMETERY DISTRICT**

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board appoints Ed Joseph to serve as a member of the Merced Cemetery District until November 25, 2003 replacing Jim Casey.

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

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

**2002-10-01 PLANNING – PUBLIC HEARING**

The time and date previously set for a public hearing to consider 2002 Cycle II General Plan Amendment for Board approval as submitted by Planning.

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board approves 2002 Cycle II General Plan Amendment and related zone changes as follows:

Adopts Resolution No. 2002-194 for General Plan Amendment No. 02002 and General Plan Amendment No. 02003; and waives further reading and adopts Ordinance No. 1681 for Zone Change No. 02002 and Ordinance No. 1682 for Zone Change No. 02003.

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

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

**2002-10-01 HEALTH – Proposed Ordinance – Animal Confinement**

The time and date previously set for the Second Reading and Possible Adoption of Proposed Ordinance to revise the Animal Confinement Ordinance (Amends Chapter 7.13), Zone Code Text Amendment Application No. 02001 and consideration of the certification of their, possible approval of the findings, overriding considerations and mitigation monitoring plan as submitted by the Health Department.

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

Chairman Rivero states a request has been received to continue the matter to resolve some issues.

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Kelsey, duly carried, the Board continues the Second Reading to October 22, 2002 at 10:30 a.m. to consider the Proposed Ordinance revising the Animal Confinement Ordinance (Amends Chapter 7.13), Zone Code Text Amendment Application No. 02001 and consideration of the certification of their, possible approval of the findings, overriding considerations and mitigation monitoring plan.

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