



SUMMARY ACTION MINUTES

MERCED COUNTY BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, OCTOBER 08, 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 – 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

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

PRESENTATIONS

4-H Recognition - In Celebration of the National 4-H Centennial

Proclamation designating October 6-12, 2002 as 4-H Week; Award to Merced County 4-H Management Team and 4-H All-Stars Recognition to Stephanie Clendenin, Tiffany Heyer and Steven Williams

California Welcome Center Award

Award to Karen Baker for her past services as Director

Award to Beverly Health Care

Donation of \$8,000 to Meals on Wheels Program in Merced County

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) Assessor-\$6,350; Dept. of Workforce Investment-\$392,842 and Sheriff-\$18,000

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 7)

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 SUPPORT OF THE FRESNO REGIONAL FFA OFFICE AROSE AFTER THE POSTING OF THE AGENDA AND PLACES THE MATTER ON THE AGENDA FOR CONSIDERATION AYES: ALL

THE BOARD ADOPTS RESOLUTION REQUESTING THE STATE NOT CLOSE THE FRESNO REGIONAL OFFICE OF THE FUTURE FARMERS OF AMERICA AYES: ALL

10:30 A. M.

PLANNING- PUBLIC HEARING

Appeal of the Planning Commission denial of Zone Variance Application No. 02012 and Minor Subdivision Application No. 02019 - Julio Reynoso. The applicant proposes to vary from the minimum 20 acre parcel size in the A-1 (General Agricultural) Zone and subdivide a 22.6 acre parcel into three parcels: Parcel 1=1 acre, Parcel 2=1.59 acres and Parcel 3=20 acres on property located on the west side of Cressey Way and the south side of Liberty Avenue in the Cressey area

REVIEW BOARD ORDER – SEE PAGE 8

10:30 A. M.

REPORTS/BOARD DIRECTION

County Executive Office
County Counsel
County Auditor
Board of Supervisors Members

LUNCH BREAK

CONSENT CALENDAR (Items #1 - 7)

APPROVED AS RECOMMENDED AYES: ALL

Travel Requests

1. Approve Travel Requests submitted by Human Services Agency as recommended by County Executive Office.

Health

2. Approve and authorize Chairman to sign Renewal Contract No. 9906 with Dee Rowe, D.D.S. to serve as Dental Consultant for the Medical Assistance Program.
3. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 6929 with the State Water Resources Control Board for the Underground Storage Tank Program and authorize the signing of the necessary documents.

ADOPTED RESOLUTION NO. 2002-196

4. Approve and authorize Chairman to sign Renewal Contract No. 9568 with James Andrews, M.D. to serve as the Medical Director of the Merced County EMS Agency.

Private Industry Training Department

5. Approve and authorize Chairman to sign Amendment to Contract No. 200111 with Merced Community College for Welfare-to-Work Independent Living Program for former foster children ages 18-25.

Board Recognition

6. Authorize Certificate of Recognition to Robert Zavala for being selected by the Merced County Juvenile Justice/Delinquency Prevention Commission for the Annual Colleen Ozcoidi Recognition Award.

7. Authorize Certificate of Recognition to Maria Giampaoli in recognition of selection as the 2002 California Women for Agriculture Bell Ringer Award for Outstanding contributions and efforts on behalf of the agricultural community in Merced and the State of California.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

8. New Court Building - authorization to negotiate a contract, completion of CEQA documentation and financing alternatives to come back to the Board.

REVIEW BOARD ORDER – SEE PAGE 7

APPROVED AS RECOMMENDED AYES: ALL

9. Resolution authorizing Chairman to sign Grant Contract with State Board of Corrections for Juvenile Justice Correctional Complex and assurances the County will adhere to the state and federal requirements and terms of the Contract, assures that the County has approved and committed to the need for additional staff and operating costs and agree to fully and safely staff and operate the facility within 90 days of project completion consistent with Title 15, California Code of Regulations; assures the grant funds and cash match do not supplant funds that were dedicated or appropriated for the same construction activities and adheres and agrees to other requirements and terms outlined in Resolution and Contract and authorizes the Public Works Director to sign any amendments or extensions of the grant contracts.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002193(A)-FEDERAL AND 2002193(B)-STATE AND ADOPTED RESOLUTION NO. 2002-197 AYES: ALL

10. Transfer of contract with Earl McMilin and Schatzi McMilin to James A. Mancebo for Yummy Hot Dogs Courthouse Park Mobile Concession. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002194 WITH JAMES MANCEBO AYES: ALL

HEALTH

11. Review of impact evaluation report regarding the proposed closure of Mercy Medical Center, Dominican Campus Emergency Services and forward to the appropriate State agencies for review and action.

APPROVED AS RECOMMENDED AYES: ALL

12. Resolution authorizing the Chairman to sign Certification of the Merced County Comprehensive Strategic Local Bioterrorism Preparedness Plan; authorize addition of one Emergency Medical Services Specialist, Range 58.5 and approve the necessary budget transfer.

REVIEW BOARD ORDER – SEE PAGES 7 and 8

ADOPTED RESOLUTIONS AS RECOMMENDED AYES: ALL

13. Contract No. 2000241 Amendment with Mercy Medical Center for on-site mental health services at Kids Care and the distribution of certain medications to Mental Health patients.

APPROVED AS RECOMMENDED AYES: ALL

AUDITOR

14. Santa Nella Assessment District Number 1993-1 - approve assessing Santa Nella Outlet parcels in excess of the 50% maximum (assessment/current value) provided for in the assessment engineer's preliminary report.

APPROVED AS RECOMMENDED AYES: ALL

SPRING FAIR

15. Approval of Spring Fair 2003 State Budget and authorization of Chairman to sign page one of State Operating Budget.

AUTHORIZED CHAIRMAN TO SIGN SPRING FAIR'S 2003 STATE BUDGET AYES: ALL

BOARD OF SUPERVISORS

16. CSAC Board of Director Member and Alternate for 2003 Year - Appointment.

THE BOARD APPOINTED SUPERVISOR RIVERO AS THE REGULAR MEMBER AND SUPERVISOR KELSEY AS THE ALTERNATE TO THE CSAC BOARD OF DIRECTORS AYES: 2, 3, 4 NOES: 1, 5

PLANNING

17. Amendment to Contract No. 99240 with Resource Design Technology, Inc. to assist Merced County with the annual surface mine inspection and financial assurance verification process pursuant to the State Surface Mining and Reclamation Act.

APPROVED AS RECOMMENDED AYES: ALL

PROBATION

18. Authorize three Probation employees assigned to the Valley Community School Day Reporting Center to observe Columbus Day Holiday on Friday, October 11, 2002 instead of the regular County Holiday observance on Monday, October 14, 2002.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

19. Public Works re: Contract Award to Mer-Cal Electric, Inc. for the Television Outlet Relocations in Buildings 3, 4, 5 and 6 of the Correctional Facility.

AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2002195

20. Sheriff re: Merced County Office of Education Grant Application to the Governor's Office of Criminal Justice Planning Dept. for the Suppression of Drug Abuse in Schools Grant.

21. Sheriff re: Merced City application to the U.S. Dept. of Justice for the COPS Methamphetamine Initiative Grant.

22. Treasurer Department re: Report of Receipts and Disbursements for the Month of July 31, 2002.

23. Ag. Commissioner re: Animal Control Report - July 2002.

24. City of Merced re: 2003 Dr. Martin Luther King, Jr. Celebration.
25. Our Lady of Mercy School re: Invitation to attend 75th Celebration at Our Lady of Mercy School and Special Mass.
26. U.S. Dept. of the Interior re: Proposed designation of Critical Habitat for four Vernal Pool Crustaceans and Eleven Vernal Pool Plants in California and Southern Oregon. (On file with Clerk)

ADJOURNED MEETING UNTIL TUESDAY, OCTOBER 15, 2002 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – OCTOBER 8, 2002

10:00 A.M. ADDED AGENDA ITEM
2002-10-08 BOARD OF SUPERVISORS

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board finds the next arose, subsequent to the posting of the agenda, to consider a proposed resolution in support of the Fresno Regional FFA Office and places the matter on the agenda for consideration

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

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board requests State Superintendent of Public Instruction to permit the Fresno Regional Office of the Future Farmers of America Program to remain open so that it may continue to maintain staff in local areas being represented and adopts Resolution No. 2002-195.

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

ACTION ITEM NO. 8
2002-10-08 PUBLIC WORKS

Upon motion of Supervisor Crookham, seconded by Supervisor O'Banion, duly carried, the Board takes the following action:

1. Authorizes Public Works to negotiate Contract with Nacht and Lewis Associates for the design of a new Court Building to come back to the Board for approval.
2. Authorizes completion of the CEQA documentation to be returned to the Board for approval.
3. Authorizes Staff discussions with the Court to develop an agreement regarding the design and financing of the Court Facility pursuant to SB 1732.
4. Authorizes County Executive Office and the Auditor to explore financing alternatives for the Project with a report back to the Board.

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

ACTION ITEM NO. 12
2002-10-08 HEALTH

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board takes the following action:

1. Certify the Merced County Comprehensive, Strategic Local Bioterrorism Preparedness Plan will not supplant any local dollars and adopts Resolution No. 2002-198;

2. Approves Budget Transfer in the amount of \$153,619 for the remaining allocation of Federal Bioterrorism funds for FY 2002-2003;
 3. Authorizes the Director of Public Health to sign and certify all progress reports, invoices and expenditure reports associated with the Bioterrorism Preparedness Plan and adopts Resolution No. 2002-199; and
 4. Adds one Emergency Medical Services Specialist, Range 58.5 to Sub-Budget Unit 40005-EMS and adopts Resolution No. 2002-200;
- Ayes: Rivero, Cortez Keene, Crookham, Kelsey, O'Banion

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

The time and date previously set for a public hearing to consider an Appeal received from Julio Reynoso of the Planning Commission denial of Zone Variance Application No. 02012 and Minor Subdivision Application No. 02019. Said Application is to vary from the minimum 20 acre parcel size in the A-1 (General Agricultural) zone and subdivide a 22.6 acre parcel into three parcels: Parcel 1=1 acre, Parcel 2=1.59 acres and Parcel 3=20 acres on property located on the west side of Cressey Way and the south side of Liberty Avenue in the Cressey area.

Planning and Community Development Assistant Director Butch Cope submits and reviews the Staff Report.

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

Judith Gates, neighbor, feels Mr. Reynoso has encroached on the 40-foot easement and would like a survey to determine the property line. She objects to contacting MID in order to control the water situation.

John Hanusa, neighbor, states Mr. Reynoso is taking advantage of his property by placing equipment on it.

Julia Reynoso, daughter of applicant, states the placement of two homes should not impact the area and providing access to the road is not going to be a problem.

Supervisor Rivero questions the County policy on maintenance of trees and road. He requests the matter be held over until additional information is provided by Public Works as requested.

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Kelsey, duly carried, the Board continues the public hearing to October 22, 2002 at 10:30 a.m.

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