



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, OCTOBER 21, 2003

Closed Session – 8:00 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
CHAIR KATHLEEN M. CROOKHAM.....DISTRICT 2
MICHAEL G. NELSON.....DISTRICT 3
DEIDRE F. KELSEY.....DISTRICT 4
JERRY O'BANION.....DISTRICT 5
Lydia A. Beiswanger, Chief Clerk

DEMITRIOS O. TATUM
COUNTY EXECUTIVE OFFICER

RUBEN E. CASTILLO
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

8:00 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 Case(s)

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:
Linda Hardcastle v. County of Merced, Case #146792
Leesa Thoreson et al v. County of Merced, et al, Case #146266

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 Counsel
THE BOARD RECESSED AT 8:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF

10:00 A. M.

PLEDGE OF ALLEGIANCE

PRESENTATION OF SERVICE PIN AWARDS

30 YEARS OF SERVICE

Linda Gregory, Human Services Agency
Gary Mendonca, Public Works

20 YEARS OF SERVICE

Troy Fox, Mental Health

15 YEARS OF SERVICE

Raymond Ossa, Human Services Agency
Genevieve Devasher, Human Services Agency
Robert Linden, Dept. of Workforce Investment

A RECEPTION WILL BE HELD IN ROOM 310 IN HONOR OF THE SERVICE PIN AWARDS

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 -
RECOGNIZED CHRIS ADAMS FOR 30 YEARS OF SERVICE TO THE UNIVERSITY OF CALIFORNIA**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 24)
APPROVED AS RECOMMENDED AYES: ALL**

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:30 A. M.

BUSINESS-ECONOMIC OPPORTUNITIES – PUBLIC HEARING

An Ordinance granting a non-exclusive franchise to Comcast of San Joaquin, Inc. to operate and maintain a Cable Communication System in the unincorporated territory of the County of Merced in the Santa Nella area

PUBLIC HEARING WILL BE CONTINUED

10:30 A. M.

BUSINESS-ECONOMIC OPPORTUNITIES - Request for 3-month extension of Comcast of San Joaquin, Inc. Franchise for Cable Television Services - FIRST READING, SET SECOND READING AND POSSIBLE ADOPTION FOR OCTOBER 28, 2003 AT 10:30 A.M.

To extend by an additional three months the Grant to Comcast of San Joaquin, Inc. of a non-exclusive franchise to construct, operate and maintain a cable television system in unincorporated territories in the County of Merced and providing terms and conditions for the operation of such system and providing for the payment of statutory fees by Comcast therefore (Amends Ordinance No. 1528)

REVIEW BOARD ORDER – SEE PAGE 11

MENTAL HEALTH - PROPOSED ORDINANCE - FIRST READING, SET SECOND READING FOR OCTOBER 28, 2003 AT 10:30 A.M.

An Ordinance to establish Fees for the Deferred Entry of Judgment Services provided by Mental Health-Alcohol and Drug Services

REVIEW BOARD ORDER – SEE PAGES 11 AND 12

PLANNING - PUBLIC HEARING

General Plan Text Amendment No. 03004 - Revision of the Merced County General Plan Housing Chapter to be effective from 2003-2008

The revision will include the following: (1) Overview of the progress in implementing the goals, objectives and policies from 1992 Housing Chapter, (2) A community profile of the unincorporated area of Merced County that includes population, households, special needs, employment, infrastructure development, and available residential land, (3) Existing and projected housing needs and housing constraints and (4) Housing goals, objectives, policies and implementation programs as a guide in addressing the future housing needs

REVIEW BOARD ORDER – SEE PAGES 12 AND 13

PLANNING – 2003 CYCLE III - POSSIBLE ADOPTION

General Plan Amendment No. 02010, Zone Change No. 02010, Property Line Adjustment No. 02036 and Administrative Application No. 03048- Maria Rubio

General Plan Amendment No. 03011, Zone Change No. 03011, Major Subdivision Application No. 03006 - "La Paloma" - Robert Rucker

General Plan Text Amendment No. 03004 - Revision to the Merced County General Plan Housing Chapter to be effective from 2003-2008

REVIEW BOARD ORDER – SEE PAGES 13 AND 14

11:00 A. M.

EXECUTIVE OFFICE - LEGISLATIVE REPORT

REVIEW BOARD ORDER – PAGE 14

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items #1 – 24)

APPROVED AS RECOMMENDED AYES: ALL

Budget Transfers

1. Approve Budget Transfers submitted by Fire-\$119,700; Ag. Commissioner-\$11,667; Public Defender-\$28,000; Public Works-\$6,459 and Sheriff-\$10,000 as recommended by Executive Office.

Travel Requests

2. Approve Travel Requests submitted by Sheriff as recommended by Executive Office.

County Counsel

3. Grant County Counsel relief of shortages in the amount of \$50 in the County Counsel Petty Cash Fund and authorize replenishment of \$50 and grant an increase for a total of \$100.

Treasurer-Tax Collector

4. Grant the County Treasurer relief for shortages in the amount of \$200 and authorize replenishment of \$200.

Health

5. Set First Reading for November 18, 2003 at 10:30 a.m. to consider Revisions for fees provided by the Health Department (Amends Ordinance No. 1613) and set second reading and possible adoption for November 25, 2003 at 10:30 a.m.
6. Adopt Resolution authorizing the Chairman to sign Renewal Contract No. 8768 with the California Integrated Waste Management Board for the Used Oil Block Grant for FY 2003-04.

ADOPTED RESOLUTION NO. 2003-180

7. Adopt Resolution authorizing the Chairman to sign Renewal Contract No. 7825 with California Integrated Waste Management Board for Solid Waste Local Enforcement Agency Grant.

ADOPTED RESOLUTION NO. 2003-181

Public Works

8. Waive restriction on the use of amplified sound equipment by the Gomez Family on October 26, 2003 at Winton Park and by Laura Mendoza on October 25, 2003 at Lake Yosemite Rotary II.
9. Adopt Resolution authorizing Chairman to sign Right-of-Way Contract with Ben Esquivel for accepting the required Easement Deed for acquisition of the land necessary for construction of the Safe Routes to School project in the Planada area.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003222 AND ADOPTED RESOLUTION NO. 2003-182

10. Adopt Resolution authorizing Chairman to sign Right-of-Way Contract with Mary Ann Mussotto for accepting the required Easement Deed for acquisition of the land necessary for construction of the Safe Routes to School project in the Planada area.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003223 AND ADOPTED
RESOLUTION NO. 2003-183**

Mental Health

11. Approve and authorize Chairman to sign Renewal Contract No. 10368 with Merced Union High School District for mental health services at Livingston High School.
12. Adopt Resolution authorizing the Chairman to sign Contract No. 99181 with State Dept. of Alcohol and Drug Programs for accepting Grant Award for the Drug Court Partnership Program.

NO ACTION TAKEN – PULLED FROM AGENDA

13. Cancel Contract No. 200217 with State Dept. of Mental Health for Specialty Mental Health Managed Care approved by the Board on January 28, 2003.
14. Approve and authorize Chairman to sign Renewal Contract No. 9602 with Tulare County Health and Human Services Agency for provisions of inpatient services at Marie Green Psychiatric Health Facility.
15. Adopt Proclamation designating October 23 through 31, 2003 as "Red Ribbon Celebration Week" in Merced County and authorize and encourage all County Departments and Employees to wear red ribbons and to display red ribbons on County buildings and vehicles.

Human Services Agency

16. Approve and authorize Chairman to sign Renewal Contract No. 2000194 with Merced Lao Family Community, Inc. for Elder Refugee Services.
17. Approve and authorize Chairman to sign Renewal Contract No. 9356 with Merced County Office of Education for Promoting Safe and Stable Families Program.
18. Approve and authorize Chairman to sign Renewal Contract No. 9511 with Dept. of Workforce Investment for Senior Community Services Employment Program.

Dept. of Workforce Investment

19. Approve and authorize Chairman to sign Amendment to Contract No. 2003122 with Merced County Office of Education to include new audit language required by the State Employment Development Department in connection with the WIA Younger Youth Program.

Child Support Services

20. Approve and authorize Chairman to sign Amendment to Contract No. 2000249 with Calif. Dept. of Child Support Services for Annual Automation Cooperative Agreement extending the effective date to October 31, 2003.
21. Approve and authorize Chairman to sign Amendment to Contract No. 2000249 with Calif. Dept. of Child Support Services for Amendments 1 and 2 of the Plan of Cooperation defining responsibilities.

Board Recognition

22. Authorize Certificate of Recognition to A Woman's Place of Merced County in recognition of Domestic Violence Awareness Month on October 1, 2003.
23. Proclaim October 3, 2003 as California Arts Day in the County of Merced.

24. Authorize Plaque in appreciation to Mitchell Sperling for years of service to the Housing Authority of the County of Merced.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

25. Contract with Capital City Design, Inc. for Electrical Engineering services and authorize Public Works Director to sign Project Supplements which outline individual job requests.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003231 AYES: ALL
26. Contract with Turley & Associates for Mechanical Engineering Services and authorize Public Works Director to sign Project Supplements which outline individual job requests.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003224 AYES: ALL
27. Contract with Certified Specialists, Inc. for Hazardous Materials Consulting and authorize Public Works Director to sign Project Supplements which outline individual job requests.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003228 AYES: ALL
28. Contract with Martin, Rivett & Olson, Inc. for Transportation Engineering Services and authorize Public Works Director to sign Project Supplements which outline individual job requests; authorize Public Works Director to extend the retainer contract annually for a period not to exceed two years, upon continuing successful performance by the consultant.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003225 AYES: ALL
29. Adopt Resolution authorizing application for Grant Funds under the Roberti-Z-Berg-Harris Block Grant Program under the Calif. Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002, encumbering the entire County allocation so that individual projects can be submitted at a later date understanding that Public Works will develop and prioritize a list of projects and submit to the Board for funding consideration and contract approval.
ADOPTED RESOLUTION NO. 2003-184 AYES: ALL
30. Adopt Resolution authorizing application for Grant Funds for the Per Capita Grant Program under the Calif. Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 encumbering the entire County allocation so that individual projects can be submitted at a later date understanding that Public Works will develop and prioritize a list of projects and submit to the Board for funding consideration and contract approval.
ADOPTED RESOLUTION NO. 2003-185 AYES: ALL
31. Adopt Resolution authorizing Chairman to sign Contract with Calif. Dept. of Transportation covering improvements which include installation of traffic control signals, safety lighting and performing road work on Route 165 and Bloss Avenue in Hilmar.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003230 AND ADOPTED RESOLUTION NO. 2003-186 AYES: ALL
32. Authorize solicitation of Request for Proposal to provide financial consulting services to Solid Waste Enterprise operations and return to the Board with results and recommended actions.
APPROVED AS RECOMMENDED AYES: ALL

33. Authorize Special Board Project Funds-District Four as follows: Delhi Chamber of Commerce start up costs-\$5,000; Winton Spring Festival Security-\$1,250 and City of Gustine Summer Youth Program-\$2,500 and approve the necessary budget transfer-\$7,500 (#011).

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

34. Approve and accept the 2003 State Criminal Assistance Award and authorize the Sheriff to process the INTERNET draw down and deposit the award into Trust Fund 2576 Sheriff Adult Correctional Facilities.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003232 AYES: ALL

35. Authorize purchase of a complete mug shot capture system for the new Juvenile Hall from Data Works Plus with funds to be provided by the CAL ID Trust Automated Finger Print 2621.

APPROVED AS RECOMMENDED AYES: ALL

SPRING FAIR-LOS BANOS

36. Approve and authorize Chairman to sign 2004 State Budget for State Funding for the Merced County Spring Fair-Los Banos.

APPROVED AS RECOMMENDED AYES: ALL

TREASURER-TAX COLLECTOR

37. Approve request to remove the Treasurer as a member on the Treasury Oversight Committee and confirm the nomination of David Ness, CPA to be appointed as the second member of the Public.

APPROVED AS RECOMMENDED AYES: ALL

38. Contract with Romero Law Firm for specialized bankruptcy legal services issues regarding property taxes.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003234 AYES: ALL

PLANNING

39. Contract with Self-Help Enterprises for Consultant Services to implement and administer the 2003 CDBG for Housing Assistance in the communities of Gustine, Volta, Dos Palos Y and Midway/South Dos Palos and approve the necessary budget transfer-\$101,250.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003235 AYES: ALL

40. Authorize release of Request for Proposal to qualified consultants to provide services for the County's Surface Mining and Reclamation Act, Mine Inspection Program as follows: to assist Staff with the Annual Mine Inspection and Financial Assurance Verification, to perform permit condition and mitigation monitoring, to assist Staff with processing new mine applications and conduct peer review of applicant-prepared Environmental Impact Reports, select the most responsive provider to perform such services and to return to the Board with recommended actions.

APPROVED AS RECOMMENDED AYES: ALL

BUSINESS-ECONOMIC OPPORTUNITIES

41. Closeout of U.S. Dept. of Commerce, Economic Development Administration Award for Castle Telecommunications Infrastructure and Building Demolition and authorize the signing of the Security Agreements – Machinery and Equipment (purchased with grant funds) and

Statement of Compliance with Environmental and Lease Restrictions.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003236 AYES: ALL

42. Resolution setting up and establishing the Business License Appeals Board in accordance with Ordinance No. 1705-Business License requirements in the unincorporated areas of Merced County.

ADOPTED RESOLUTION NO. 2003-187 AS RECOMMENDED AYES: ALL

43. California Indian Education Association Request for Waiver of Business License Fees for the November 8th, 2003, 2nd Annual Benefit Pow Wow and designation of the Board of Supervisors to review the request.

REVIEW BOARD ORDER – SEE PAGES 14 AND 15

MENTAL HEALTH

44. Contract with Merced City School District for mental health services at school sites.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003237 AYES: ALL

DEPT. OF CHILD SUPPORT SERVICES

45. Approve release of Request for Proposal for legal Service of Process of documents and authorize recommendation to come back to the Board.

APPROVED AS RECOMMENDED AYES: ALL

46. Contract with California Dept. of Child Support Services to define and allocate responsibilities and consolidate the Plan of Cooperation and Annual Automation Cooperative Agreement (Amendment to Contract No. 2000249).

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003226 AYES: ALL

HEALTH

47. Resolution authorizing the Chairman to sign Contract with The Regents of the University of California-Davis for Air Emission Studies related to permitting and operating of Animal Confinement Facilities.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003238 AND ADOPTED RESOLUTION NO. 2003-188 AYES: ALL

HUMAN SERVICES AGENCY

38. Contract with Merced College for Independent Living Program Services and authorize H.S.A. Director to sign subsequent amendments to contract for changes within the contract budgeted amount.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003240 AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

49. Termination of Contract No. 200115 with Merced County Office of Education for 14-18 Year Round Youth Program and authorize Chairman to sign letter of notification.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

50. Adopt modification to minimum qualifications and approve revised job specifications for Sheriff Dispatcher.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

51. Set October 29, 2003 from 1:00-5:00 p.m. as a scheduled Administrative Practices Session for conducting a Merced County Manufacturers Forum in collaboration with Merced County Economic Development Corporation (MCEDCO), The Greater Merced Chamber of Commerce and the California Manufacturers and Technology Association.

APPROVED AS RECOMMENDED AYES: ALL

52. Authorize extending the hours of operation of the Hilmar Branch Library by 6 hours weekly effective November, 2003 contingent upon donations to cover staffing costs associated with extending hours of operation.

APPROVED AS RECOMMENDED AYES: ALL

PUBLIC WORKS

53. Authorize Le Grand 50+ Club request to use Le Grand Community Senior Building on October 25, 2003 for Yard Sale and waive insurance requirements.

APPROVED AS RECOMMENDED AYES: ALL

54. Contract with JDA Landscape Architecture and Planning for Landscape Architecture services and authorize Public Works Director to sign Project Supplements which outline individual job requests.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003241 AYES: ALL

55. Bid Results for Planada Safe Routes to School Project awarded to Wickum Construction.

**AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2003192
AYES: ALL**

BOARD APPOINTMENTS

56. Emergency Medical Care Committee.

**APPOINTED DR. DONALD GODBOLD, REPRESENTING ED PHYSICIAN
CATEGORY, AND CHIEF BILL ELDRIDGE, REPRESENTING DISTRICT ONE, UNTIL
JUNE 30, 2007, AND CHUCK COELHO, REPRESENTING THE AMBULANCE
COMPANY CATEGORY, UNTIL JUNE 30, 2004, AND REAPPOINTS PAULA GOLDEN,
R.N., REPRESENTING THE NURSING CATEGORY, UNTIL JUNE 30, 2007 TO SERVE
AS MEMBERS OF THE EMERGENCY MEDICAL CARE COMMITTEE AYES: ALL**

57. Assessment Appeals Board.

**REAPPOINTED GREY ROBERTS, REPRESENTING THE ACCOUNTANT
CATEGORY, AND NAT WOODHOUSE, REPRESENTING THE APPRAISER
CATEGORY, UNTIL SEPTEMBER 4, 2006 TO SERVE AS MEMBERS OF THE
ASSESSMENT APPEALS BOARD AYES: ALL**

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

58. Small Planet Foods re: Notice of cease of operations to be permanent and to result in the closure of the entire facility - employment loss to begin December 1, 2003 and be completed by August, 2004.
59. Madera County Board of Supervisors re: Concern over the manner in which the Department intends to pursue a restoration study on the San Joaquin River.

60. Governor's Office of Emergency Services re: Declaration of primary County of Merced and contiguous counties of Fresno, Madera, Mariposa, San Benito, Santa Clara, Stanislaus and Tuolumne a disaster area due to damages caused by hail that occurred on April 21, 2003.
61. State Water Resources Control Board re: Application 17512 - Order approving petition for temporary transfer of up to 26,428 acre-feet of water to Del Puerto Water District, Panoche Water District, San Luis Water District and to Tranquility Irrigation District.
62. State Air Resources Board re: Second Notice of Public Availability of Modified Regulatory Text - Public Hearing to consider adoption of the 2003 Amendments to the California Zero Emission Vehicle Regulations.
63. U.S. Fish and Wildlife re: Public comment period on proposed listing of California Tiger Salamander reopened through October 31, 2003.
64. State Board of Equalization re: Update of Assessor's Handbook Section 577, Assessment of General Aircraft.
65. State Board of Equalization re: Property Tax Rule 309, Hearing.
66. State Board of Equalization re: California Code of Regulations - Title 18, Public Revenues, Rules of Practice.

ADOPTED RESOLUTIONS IN MEMORY OF STANLEY CONTE, CAROLINE LUNA, ROBERT KNESTRICK, AND ANNIBALE S. "BANDI" BANDONI AND ADJOURNED THE MEETING UNTIL TUESDAY, OCTOBER 28, 2003, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – OCTOBER 21, 2003

10:30 A.M. SCHEDULED ITEM

2003-10-21 BUSINESS-ECONOMIC OPPORTUNITY – PROPOSED ORDINANCE

The time and date previously set for First Reading of proposed ordinance to extend by three months the term of the grant to Comcast of San Joaquin, Inc. for a non-exclusive franchise to construct, operate and maintain a cable television system in unincorporated territories in the County of Merced and providing terms and conditions for the operation of such system and providing for the payment of statutory fees by Comcast therefore (Amends Ordinance No. 1528).

Business-Economic Opportunities Director John Fowler advises he is working with County Counsel on a few outstanding issues and since the issues won't be resolved within the window of time allotted, a 90-day extension is requested.

The Chairman states there is a great deal of concern in the Merced area with above-ground connections.

Supervisor Kelsey voices the same concerns about the above-ground connections and about people not being asked where to place the boxes and suggests Comcast ask the property owner where they would prefer to have the boxes placed.

Director Fowler responds that above-ground connections are for digital services and to place connections below the ground limits services. He further states the easement for access by the cable company are already established and it is a non-negotiable issue for the property owner.

The Chairman asks if there is anyone present wishing to speak on this issue. No one speaks.

Upon motion of Supervisor Cortez Keene, seconded by Supervisor O'Banion, duly carried, the Board waives further reading of the proposed ordinance and sets second reading and possible adoption for October 28, 2003, at 10:30 a.m.

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

10:30 A.M. SCHEDULED ITEM

2003-10-21 MENTAL HEALTH – PROPOSED ORDINANCE

The time and date previously set for First Reading of proposed ordinance to consider An Ordinance to Establish Fees for the Deferred Entry of Judgment Services provided by Mental Health-Alcohol and Drug Services.

Mental Health Director Troy Fox reviews the staff report advising Merced College will cease to provide the delivery of services on or about November 7, 2003.

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

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Nelson, duly carried, the Board waives further reading of the proposed ordinance and sets second reading and possible adoption for October 28, 2003, at 10:30 a.m.

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

10:30 A.M. SCHEDULED ITEM
2003-10-21 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider General Plan Text Amendment No. 03004 – Revision of the Merced County General Plan Housing Chapter to be effective from 2003-2008. The revision will include: 1) Overview of the progress in implementing the goals, objectives and policies from 1992 Housing Chapter; 2) A community profile of the unincorporated area of Merced County that includes population, households, special needs, employment, infrastructure development, and available residential land; 3) Existing and projected housing needs and housing constraints; and, 4) Housing goals, objectives, policies and implementation programs as a guide in addressing the future housing needs.

Planner John LaVann reviews the Staff Report.

Supervisor Kelsey states concern on the Hilmar area water and sewer services inadequacy to support additional housing. She states there has been an eight-year moratorium on Hilmar housing and the new plant is operational but it is her understanding the plant will not accommodate new units.

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Later in the day, Planning Director Bill Nicholson speaks to the infrastructure capacity issue.

Supervisor Kelsey asks that Mr. Nicholson contact the District Manager of the Hilmar Water District Dale Wickstrum to discuss the discrepancy regarding the sewer and water capacity and follow up with a letter to this Board advising what discussion took place.

The Board discusses future housing and infrastructure capacity in various unincorporated areas within the County.

The Chairman asks if there is anyone present wishing to speak.

Mary Furey, representing the Eastside Merced Resource Conservation District (EMRCD), submits a letter on behalf of EMRCD and speaks in opposition stating a Negative Declaration is insufficient and that a full Environmental Impact Report should be prepared to address issues such as traffic, water and sewer, medical care, fire, and police services. Ms. Furey, concerned citizen, states concern with the maximum capacity of the Planada sewer system and the information that was provided to the Planada Municipal Advisory Council concerning the cost of low income housing and the actual cost.

Housing Authority of the County of Merced-Development Manager Don Borgwardt speaks in support of the Housing Plan on behalf of Nicholas Benjamin, the Executive Director.

Bryant Owens speaks in opposition stating the Food and Fiber Industry has not been adequately represented in this matter and questions the accuracy of the data being represented to the Board. He believes a Negative Declaration is inadequate and a full Environmental Impact Report should be prepared.

Merced County Farm Bureau Executive Director Diana Westmoreland states concern with the history of the Board approving Negative Declarations and subsequently being sued and requests the Board make sure that the process is done in a proper manner. She also states that housing needs are not being met in the County because the necessary infrastructure is not available.

The Chairman closes the public hearing.

The Chairman requests a legal opinion from County Counsel regarding the Negative Declaration.

County Counsel Ruben Castillo states the Initial Study indicates the project could not have a significant effect on the environment and a Negative Declaration will be prepared and during this proceeding, no testimony was given that established a fair argument that there would be a significant impact on the environment. Therefore, based on factual determinations, a Negative Declaration is appropriate.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board approves the Negative Declaration for General Plan Amendment No. 03004-Merced County General Plan Housing Chapter Update; approves General Plan Amendment No. 03004 and makes an intended decision to adopt the Housing Chapter Update and authorizes staff to forward the Housing Chapter to the State Department of Housing and Community Development for final review and certification.

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

10:30 A.M. SCHEDULED ITEM
2003-10-21 PLANNING – 2003 CYCLE III

The time and date previously set to consider 2003 Cycle III General Plan Amendments as follows as submitted by Planning:

General Plan Amendment No. 02010, Zone Change No. 02010, Property Line Adjustment No. 02036 and Administrative Application No. 03048- Maria Rubio

General Plan Amendment No. 03011, Zone Change No. 03011, Major Subdivision Application No. 03006 - "La Paloma" - Robert Rucker

General Plan Text Amendment No. 03004 - Revision to the Merced County General Plan Housing Chapter to be effective from 2003-2008.

Upon motion of Supervisor Cortez Keene, seconded by Supervisor O'Banion, duly carried, the Board approves 2003 Cycle III General Plan Amendments and related zone changes as follows:

Waives further reading of proposed ordinances and adopts Ordinance No. 1710 for Zone Change No. 02010 and Ordinance No. 1711 for Zone Change No. 03001 and adopts Resolution No. 2003-189 for General Plan Amendment No. 02010, General Plan Amendment No. 03011 and General Plan Amendment No. 03004.

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

11:00 A.M. SCHEDULED ITEM

2003-10-21 EXECUTIVE OFFICE – LEGISLATIVE REPORT

Legislative Representative Don Peterson briefly reports on issues discussed during the last legislative session that will affect counties which include: vehicle license fees, shortfall of realignment programs, SB 1049-various fees being imposed/increased to fund state departments whose General Fund appropriations have been eliminated, and additional housing regulations on cities and counties.

The Board Members and Mr. Peterson briefly discuss various Senate and Assembly Bills that are pending.

Mr. Peterson advises he will be attending a meeting with several members of Governor-Elect Schwarzenegger's Transition Team and will keep the Board informed.

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

ACTION ITEM NO. 43

2003-10-21 BUSINESS ECONOMIC OPPORTUNITIES

Business-Economic Opportunities Director John Fowler states the recommendation before the Board is designation of the Board as the Business Appeals Board. The request before the Board today is from Michael Herman, on behalf of the California Indian Education Association, requesting a waiver of the Business License Fee requirement for the Pow Wow scheduled for November 8, 2003. Mr. Fowler states under the current provisions of the Ordinance, there is no provision for waiver of fees.

Michael Herman states the California Indian Education Association met with representatives of UC Merced and the Association has agreed to provide development scholarships for Native American students to attend UC Merced through the proceeds of the Pow Wow. He asks the Board to waive the fees for the vendors that will be selling items to allow the vendors time to budget this expense for next year's event.

County Counsel Ruben Castillo reviews the Ordinance and advises there is no provision allowing a waiver of the fees and in order to have waiver of the fees, an amendment to the Ordinance would be necessary.

The Board agrees an evaluation of the existing Ordinance needs to be completed in order to address these types of requests.

The Chairman states the item will be pulled from the Agenda and will come back to the Board at the next meeting.

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