



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, APRIL 27, 2004

Closed Session – 8:30 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
MICHAEL G. NELSON.....DISTRICT 3
CHAIR 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

8:30 A. M.

CLOSED SESSION - CONFERENCE WITH REAL PROPERTY

NEGOTIATOR: It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator(s) John Fowler, Business-Economic Opportunities Director pursuant to Section 54956.8 as follows: Property: Castle Airport Negotiating Party: MCEDCO

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

8:30 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:
Tinetti v. County of Merced, Case No. 143247
Merced Sun-Star v. County of Merced, Case No. 147534
Tickenoff v. County of Merced, Case No. 145667

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
THE BOARD RECESSED AT 8:30 A.M. AND RECONVENED AT 10:00 A.M. WITH SUPERVISOR CROOKHAM NOT PRESENT AND THE CHAIRMAN ADVISED THERE WERE NO REPORTABLE ITEMS

10:00 A. M.

PLEDGE OF ALLEGIANCE

PRESENTATION - MERCED COUNTY SPRING FAIR

Paul Parreira provides an overview of the Merced County Spring Fair to be held on April 28 to May 2, 2004 on behalf of the Merced County Spring Fair Board of Directors

MERCED COUNTY 2004 VOLUNTEER RECOGNITION AWARDS

District One Awards

Jose Flores and Vicky Ramirez

District Two Awards

Kathy Andrade and Grey Roberts

District Three Awards

Frank Mesa and Bloss Volunteer Thrift Shop

District Four Awards

Dan Ramos and Winton Explorer Post

District Five Awards

Los Banos Police Activities League Girls Softball Steering Committee and Frank Romero

A RECEPTION WILL BE HELD IN ROOM 310 IN HONOR OF AWARDS

FIRE DEPARTMENT RECOGNITION

Chairman Kelsey presents Awards proclaiming May 9 through 15, 2004 as Wildfire Awareness Week and recognizes the Firefighter personnel involved in the Southern California wildfires

10:00 A. M.

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: Melissa Ortega, Patty Manfredi (Ronald McDonald House Charities of the Central Valley, Inc.) and Byrant Owens

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 33)

APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

ADDED AGENDA ITEM:

REVIEW BOARD ORDER – SEE PAGE 13

THE BOARD FINDS THE NEED TO CONSIDER AN ISSUE WITH THE MERCED COUNTY SPRING FAIR AND PLACES THE ITEM ON THE AGENDA FOR CONSIDERATION AYES: 1, 3, 4, 5 NOT PRESENT: 2

10:30 A. M.

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) [Ag. Commission-Animal Control-\\$3,566; Child Support Services-\\$4,000 and \\$15,000; General Services-\\$30,000; Human Services Agency-\\$0; Planning-\\$300,000; Public Works-\\$-0- \(#57\) and Sheriff-\\$23,552](#)

APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

PLANNING - PUBLIC HEARING

To consider Resolution to amend the capital facility impact fees within the Santa Nella Community Specific Plan's Implementation Plan

REVIEW BOARD ORDER – SEE PAGE 13 AND 14

PLANNING - PUBLIC HEARING

To consider proposed Resolution to certify the Environmental Impact Report for General Plan Amendment No. 03006 - "Yosemite Lake Estates" and to approve and adopt the Statement of Facts and Findings regarding Less-Than-Significant Impacts, Significant Effects and Alternatives

REVIEW BOARD ORDER – SEE PAGE 14 AND 15

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items #1-33)

APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

Public Works

1. [Adopt Resolution authorizing the installation](#) of a Stop Sign at the intersection of Sierra Springs Court and Mulberry Avenue in the Atwater area.
ADOPTED RESOLUTION NO. 2004-64
2. [Adopt Resolution annexing Wigley Meadow](#) Major Subdivision into the Glenwood Estates Street Lighting and Storm Drainage Maintenance Zone of Benefit #229 in County Service Area Number One.
ADOPTED RESOLUTION NO. 2004-65
3. [Adopt Resolution annexing North Crown Estates](#) into the Bispo Estates Lighting and Storm Drainage Maintenance Zone of Benefit #234 in County Service Area Number One.
ADOPTED RESOLUTION NO. 2004-66
4. [Accepting the Final Map for North Crown Estates](#) Subdivision in the Atwater area.
5. [Accepting the Final Map for Wigley Meadow](#) Subdivision in the Atwater area.

Claims for Damages

6. [Act on Claims for Damages submitted by](#) Partners in Care, Inc., 21st Century for Luis Hernandez, Lisete Dorado, Francisco Cardoza, Maria Gutierrez, Boon Thao, Jonathon Huerta, Duarte M. Nunes and Ernestina Nunez.

Travel Requests

7. [Approve Travel Requests submitted by](#) Dept. of Workforce Investment (3) and BEO-Castle as recommended by Executive Office.

Ag. Commissioner

8. [Adopt Resolution authorizing Chairman to sign](#) Contract with Calif. Dept. of Food and Agriculture for Organic Producer Registration and Inspection.
ADOPTED RESOLUTION NO. 2004-67

Business-Economic Opportunities

9. [Approve and authorize Chairman to sign](#) Renewal Contract No. 200262 with NEC Business Network Solutions, Inc. for FOCUS Program Procurement Vehicle.
10. [Approve and authorize Chairman to sign](#) Renewal Contract No. 2000121 with The StateStore, Inc. for FOCUS Program Procurement Vehicle.
11. [Approve and authorize Chairman to sign](#) Renewal Contract No. 200263 with Siemens Information and Communications Networks, Inc. for FOCUS Program Procurement Vehicle.

Health

12. [Adopt Resolution authorizing Chairman to sign](#) Renewal Contract No. 2004082 with State Dept. of Health Services for 2004 Immunization Program funding.
ADOPTED RESOLUTION NO. 2004-68

Human Services Agency

13. [Approve and authorize Chairman to sign Amendment to](#) Contract No. 2004083 with Merced County Office of Education for Home Visiting Services to assist families in developing skills necessary to prevent abuse and neglect.

Mental Health

14. [Approve and authorize Chairman to sign Amendment](#) to Contract No. 200217 with State Dept. of Mental Health for Managed Care Specialty Health Services.

Dept. of Workforce Investment

15. [Approve and authorize Chairman to sign Amendment](#) to Contract No. 2003122 with Merced County Office of Education for WIA Younger Youth Program.
16. [Approve and authorize Chairman to sign Amendment](#) to Contract No. 2003266 with Merced County Office of Education for WIA Out-of-School Youth Program.

Sheriff

17. [Approve and authorize Chairman to sign Renewal](#) Contract No. 2004084 with Los Banos Spring Fair for Fair Security-Police Protection during the 2004 Merced County-Los Banos Spring Fair.

Child Support Services

18. [Approve and authorize Chairman to sign Renewal](#) Contract No. 200180 with Superior Court of Merced County for Plan of Cooperation defining the responsibilities in relation to the Child Support Enforcement Program.

Executive Office

19. [Authorize the Chairman to sign the Consent](#) to the Assignment of Contract No. 2003093 to the Morse, Pfeiff and Garcia Joint Venture and authorize the Chairman to sign the Amendment to Contract No. 2003093 with Morse, Pfeiff and Garcia, Joint Venture for Indigent Defense Services.
20. [Approve and authorize Chairman to sign Contract](#) No. 2004085 with Merced County Association of Governments for Special Services and approve the General Membership Contribution of \$24,299 for FY 2004/05 MCAG Work Program and direct Staff to include the Grant Development component as a policy issue in the FY 2004/05 Merced County Budget.
21. [Approve and authorize Chairman to sign the](#) Amendment to the Contract No. 2004086 with the CSAC Excess Insurance Authority for Joint Powers Agreement participation.

Board of Supervisors Office

22. [Approve Minutes submitted for January 13,](#) 27, 28 and February 3, 10 and 24, 2004.

Board Recognition

23. [Authorize Certificate of Recognition to Child](#) Advocates of Merced County in honor of the Candlelight Vigil Ceremony for National Child Abuse Prevention and Awareness Month.
24. [Authorize Certificate of Recognition to John](#) Sykes in recognition of outstanding and dedicated service to the Kiwanis Club of Greater Merced.

25. [Authorize Certificates of Recognition to Don Bergman](#), Anna Bolling, Marv Bolling, Jim Edmonson, Sue Fazio, Sharon Mogliotti, Gayle Callahan, Don Bergman and John Fowler for recognition as Charter Members of Castle Now and Beyond.
26. [Authorize Certificate of Recognition to Gateway](#) Community Church in celebration of the Groundbreaking.
27. [Proclaim March 5, 2004 as Arbor](#) Day in the County of Merced.
28. [Authorize Certificate of Recognition to Firehouse](#) Brewpub & Restaurant in celebration of Ribbon Cutting.
29. [Authorize Certificate of Recognition to Mercy](#) Medical Center Merced in honor of the Grand Opening of the Sleep Laboratory.
30. [Authorize Certificates of Recognition to individuals](#) selected for Firefighter of the Year Awards.

REVIEW BOARD ORDER – SEE PAGE 15 AND 16

31. [Proclaim 53rd National Day of Prayer](#) and proclaim Hilmar/Stevinson Community Prayer Day.
32. [Proclaim May, 2004 as "Veterans Appreciation](#) Month" in Merced County.
33. [Proclaim May 3 through May 9, 2004 as](#) "Mosquito and Vector Control and West Nile Virus Awareness Week" in Merced County.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

34. [Authorize expenditure of \\$1,736 from Special](#) Board Project Funds-District One to replace the light panels and acoustical tiles in the Le Grand Legion Hall and approve the necessary budget transfer (#051).
APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2
35. [Authorize expenditure of \\$3,100 from Special](#) Board Project Funds-District Five to purchase Class 2-aggregate base to surface a 150 foot by 50 foot section of the Los Banos Veterans Hall parking lot area.
APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2
36. [Approve replenishment of Petty Cash Fund](#), authorize relief of shortage at the Road Division in the amount of \$50 and approve the necessary budget transfer (#052).
APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2
37. [Approve revised total estimated project](#) budget of \$56,000 for the Le Grand Fire Station Living Quarters Addition Project, award the Contract to John Rohrer Construction and approve the necessary budget transfer from Fire-\$4,000.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004080 AYES: 1, 3, 4, 5 NOT PRESENT: 2
38. [Accept proposed memorial by the](#) Chapter 691 Vietnam Veterans of America to add and install at Courthouse Park to commemorate Pfc. Karina Lau for her supreme sacrifice made in the defense of our freedom in the Gulf War and to any future Merced County veteran who

follows understanding the memorial will be named "Merced County Veterans Millennium Memorial".

APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

PROBATION

39. [Contract with Merced County Office of Education](#) for Reimbursement of one Deputy Probation Officer and allocate one grant funded Deputy Probation Officer I/II/III, Range 61.3/63.3/66.3 to Probation and adopt Resolution.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004099 AND ADOPTED RESOLUTION NO. 2004-69 AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

40. [Resolution authorizing submission of the Juvenile Justice Crime Prevention Act Application for Continuation Funding of the Giving Responsibility to Adolescents to Develop Success \(GRADS\) Program to the State Board of Corrections.](#)

ADOPTED RESOLUTION NO. 2004-70 AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

41. [Authorize Open House for Events for Iris Garrett](#) Juvenile Justice Correctional Complex as follows: June 10, 2004, 10:00 a.m.-Noon, Official Opening Ceremony; June 11, 2004, 10:00 a.m.-2:00 p.m., Open House for the Public; June 12, 2004, 12:30 p.m.-3:30 p.m., Open House for Probation Staff and their families.

APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

PLANNING

42. [Approve modifications to the HOME](#) Housing Rehabilitation Program Participation Guidelines to update the Program Guidelines to current Housing and Community Development (HCD) guidelines.

APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

UC PLANNING

43. [Authorize submission of documents to close out](#) U.S. Dept. of Housing and Urban Development (HUD) Grant for planning and environmental analysis and refinement of alternative land use plans relating to the preparation of the University Community Plan (Grant B-00-SP-CA-0055).

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004087 – CERTIFICATE OF COMPLETION AND CONTRACT NO. 2004088 – GRANT CLOSEOUT AGREEMENT AYES: 1, 3, 4, 5 NOT PRESENT: 2

HUMAN SERVICES AGENCY

44. [Contract with Merced Community College](#) District for facilitating the relationship between foster parents, social workers and children placed in foster homes and approve the necessary budget transfer-\$5,262.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004089 AYES: 1, 3, 4, 5 NOT PRESENT: 2

45. [Application and Assurances Form for FY 2003-2004](#) acknowledging receipt of Federal Community-Based Family Resource and Support (CBFRS) program funds require that funds expended under this Grant must comply with all State and Federal requirements.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004090 AYES: 1, 3, 4, 5 NOT PRESENT: 2

GENERAL SERVICES

46. [Declare items submitted as Surplus Property](#) to be sold at County Surplus Auction on May 7, 2004 at Castle Airport Aviation and Development Center and authorize a public auction on May 22, 2004 in which General Services will return on May 11, 2004 with a listing of items for review and approval. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

FIRE

47. [Proclaim May 9 through 15, 2004 as Wildfire](#) Awareness Week in the County of Merced.

APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

48. [Authorize Resolution of Commendation acknowledging](#) Merced County Fire Department personnel of the heroic efforts and support provided during the October 21 to November 4, 2003 fire siege in Southern California.

REVIEW BOARD ORDER – SEE PAGE 16

MENTAL HEALTH

49. [Resolution approving the Substance Abuse and](#) Crime Prevention Act of 2000 Fiscal Year 2004-2005 County Plan.

ADOPTED RESOLUTION NO. 2004-71 AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

50. [Authorize submission of Grant Application for Funding](#) through the Substance Abuse and Mental Health Administration for Development of a Comprehensive Drug/Alcohol Mental Health Treatment Systems for Persons who are Homeless with grant award to be returned to the Board for final approval.

APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

51. [Proclaim the Month of May, 2004 as](#) "Mental Health Month" in the County of Merced.

APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

52. [Contract with Mariposa County Behavioral Health](#) and Recovery for the provisions of inpatient services at the Marie Green Psychiatric Health Facility.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004091 AYES: 1, 3, 4, 5 NOT PRESENT: 2

DEPT. OF WORKFORCE INVESTMENT

53. [Authorize Application to the Employment Development](#) Department (EDD) Local Workforce Investment Area Demonstration Grant Fund for \$75,000 to enhance service delivery to individuals with disabilities at One-Stop locations understanding the Director is to return to the Board for award approval.

APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

54. [Authorize Application to Pacific Gas and](#) Electric Company to become a CARE Community Outreach Contractor which provides qualifying low-income California customers a 20% discount on their gas and electric bills understanding the Director is to return to the Board for award approval.

APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

55. [Accept resignation of Ana Pagan from the](#) Workforce Investment Board.

APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

SHERIFF

56. [Accept donation of ten M14 Rifles from the](#) Dept. of the Army, Automotive and Armaments Command to the Sheriff Department.
APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2
57. [Set public hearing for May 18, 2004 at](#) 10:30 a.m. to consider Establishment of a Security Alarm System Ordinance.
APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2
58. [Set public hearing for May 18, 2004 at](#) 10:30 a.m. to consider Establishing a new Fee Schedule for services performed for the public by the Sheriff Department.
APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2
59. [Set public hearing for May 18, 2004 at 10:30 a.m.](#) to consider Establishing a new Automated Fingerprinting Identification Fund and amend Resolution for Fee for Services performed for the public by the Sheriff Department.
APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

BUSINESS-ECONOMIC OPPORTUNITIES

60. [Set public hearing for May 11, 2004](#) at 10:30 a.m. to consider the Funding Opportunity through Community Development Block Grant Program Over-the-Counter Allocation and authorize staff to proceed with the development of the application to the Community Development Block Grant Program for \$2,000,000.
APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2
61. [Set public hearing for May 11, 2004](#) at 10:30 a.m. to disclose accomplishments under Community Development Block Grant No. 02-EDBG-899 Feasibility of a Countywide Business Assistance Finance Center.
APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2
62. [Castle Airport Sublease with Nando Sports](#) Organization for a six-month lease of three softball fields at Castle.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004092 AYES: 1, 3, 4, 5 NOT PRESENT: 2
63. [Approve release of a Fast Open Contracts Utilization](#) Services (FOCUS) Program Request for Joint Venture Proposal (RFJVP) for telecommunications technology solutions, authorize Staff to select the most qualified firms to fulfill the scope of duties and complete contract with each vendor to come back to the Board for final approval.
APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2
64. [Adopt the Castle Airport 5-Year Airport Capital Improvement Plan.](#)
APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2
65. [Acting as the Business Appeals Board,](#) the Board reviews the California Indian Education Association request for waiver of the County Business License requirement/fee and deny the request.
REVIEW BOARD ORDER – SEE PAGE 16 AND 17
66. [Master Developer Cooperative Agreement with Federal Merced](#) Associates, LLC for proposed study of development activities at Castle Airport.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004093 AYES: 1, 3, 4, 5 NOT PRESENT: 2

HEALTH

67. [Resolution authorizing submission of Used](#) Oil Block Grant Application for FY 2004-05 to the Calif. Integrated Waste Management Board.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004094 AND ADOPTED RESOLUTION NO. 2004-72 AYES: 1, 3, 4, 5 NOT PRESENT: 2

68. [Contract with Wright Environmental](#) Services, Inc. for Solid Waste Clean Up of Manual Site in Dos Palos.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004095 AND ADOPTED RESOLUTION NO. 2004-73 AYES: 1, 3, 4, 5 NOT PRESENT: 2

69. PULLED.

70. PULLED

COUNSEL

71. [Contract with Kroloff, Belcher, Smart, Perry](#) and Christopherson for professional and special legal services representing the County in civil litigation matters.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004100 AYES: 1, 3, 4, 5 NOT PRESENT: 2

72. [Contract with Marderosian, Runyon, Cercone,](#) Lehman and Armo for professional and special legal services representing the County in civil litigation matters.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004096 AYES: 1, 3, 4, 5 NOT PRESENT: 2

73. [Contract with Weakley, Ratliff, Arendt &](#) McGuire, LLP for professional and special legal services representing the County in civil litigation matters.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004097 AYES: 1, 3, 4, 5 NOT PRESENT: 2

74. [Contract with Quality Code Publishing](#) for codification services of County Ordinances and approve the necessary budget transfer-\$13,840.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004098 AYES: 1, 3, 4, 5 NOT PRESENT: 2

75. [Proclaim April 29, 2004 as "Law Day" in the](#) County of Merced.

APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

EXECUTIVE OFFICE

76. [Resolution selecting Regional Council of](#) Rural Counties and Rural Alliance Inc. Rural Scholarship recipients.

ADOPTED RESOLUTION NO. 2004-74 AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

77. [Authorize Animal Control Officer III to receive](#) the uniform allowance and grant an allowance for Employee #30536, Position #19 effective December 1, 2003, Pay Period 26, 1, and 2 and adopt Resolution.

ADOPTED RESOLUTION NO. 2004-75 AS RECOMMENDED AYES: 1, 3, 4, 5, NOT PRESENT: 2

78. [Authorize one Legal Process Clerk overhire,](#) Position #59 for a Limited Term Appointment for a period of six months for BU 23400-Probation.

APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

79. [Authorize one Juvenile Institutions Officer I/II overhire.](#) Position #9 for a Limited Term Appointment for a period of six months for BU 23300-Probation-Juvenile Hall.
APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2
80. [Appoint Merced County Chamber of Commerce as the](#) official representative of Merced County to be responsible for the County's Exhibit at the 2004 California State Fair and authorize the Chairman to sign the 2004 Counties Exhibits Entry Form.
APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2
81. [Resolution supporting the continuation of Realignment](#) Vehicle License Fee Revenues and authorize appropriate steps to continue the support of the continuation of Realignment Vehicle License Fee Revenues.
ADOPTED RESOLUTION NO. 2004-76 AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

BOARD OF SUPERVISORS

82. [2004 Board of Supervisors Committee and](#) Board Assignments.
NO ACTION TAKEN

BOARD APPOINTMENTS

83. [Planada Recreation Committee – District One](#)
APPOINTED AMANDA CHAVEZ AND LAURA SALDANA TO SERVE AS MEMBERS OF THE PLANADA RECREATION COMMITTEE UNTIL JULY 12, 2007 AYES: 1, 3, 4, 5 NOT PRESENT: 2
84. [Workforce Investment Board - Reappointments.](#)
REVIEW BOARD ORDER – SEE PAGE 17
85. [Area Agency on Aging Advisory Council - Amendment](#) to Bylaws.
REVIEW BOARD ORDER – SEE PAGE 17

BOARD INFORMATION & POSSIBLE ACTION

- ACCEPTED AND PLACED ON FILE AYES: 1, 3, 4, 5 NOT PRESENT: 2**
86. [San Joaquin Valley Air Pollution Control District re:](#) 2003 Annual Report on Toxic Emissions from Valley Facilities. (On file with Clerk)
87. [County of Los Angeles Fish and Game Commission re:](#) May, 2004 Conference of the California County Fish and Game Commissions.
88. [Madera County Board of Supervisors re:](#) Approval of Letter of Support of finding adequate funding to continue the Upper San Joaquin River Basin Storage Study, Madera County Water Oversight Committee.
89. [Congressman Mike Thompson re: Request for](#) Formal Support of legislation introduced in the House of Representatives that will help combat the dramatic rise our state is seeing in the price of retail gasoline.
90. [State Wildlife Conservation Board re: Notice of agenda](#) item set for May 13, 2004 - consideration of acquisition of 120+ acres of wildlife habitat located in Merced County and identified as APN 070-08-023.

91. [State Wildlife Conservation Board re: Notice of](#) agenda item set for May 13, 2004 - to consider request from California Waterfowl Association to consider a project to enhance 190 acres of wetland habitat on privately-owned land in the South Grasslands in Merced County.
92. [University of California, Davis re: Report of](#) Handgun Commerce in California, 2000.
93. [Office of Emergency Services re: Notice](#) that the U.S. Dept. of Agriculture granted a secretarial disaster designation for the county of Kern, Merced and Tulare and the contiguous counties of Los Angeles, Mariposa, Santa Barbara, San Bernardino, Santa Clara, San Luis Obispo, Stanislaus, Tuolumne and Venture due to agriculture losses caused by adverse weather that occurred April 1, 2003 through August 31, 2003.
94. [CSAC re: County Perspective on the Federal](#) Child Support Penalties.

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF JESS RODRIGUES, CONNIE DIEBOLD AND OFFICER STEPHAN GRAY UNTIL TUESDAY, MAY 11, 2004 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – APRIL 27, 2004

10:00 A. M. ADDED AGENDA ITEM

2004-04-27 MERCED COUNTY SPRING FAIR-LOS BANOS

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, to consider possible action on a non-revolving line of credit for the Merced County Spring Fair and places the matter on the Agenda for Board consideration.

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

Not Present: Crookham

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board authorizes the establishment of a Non-Revolving Line of Credit with County Bank, Los Banos, to provide payment to the sellers of the Jr. Livestock Auction for a maximum of \$550,000, understanding funds are to be repaid as payments are received from the buyers of the Jr. Livestock Auction, the loan will mature 9/10/04, bear an interest rate set at prime which is currently 6% and have a loan cost of \$350 for the Merced County Spring Fair, authorizes the Auditor to sign the loan documents and adopts Resolution No. 2004-77.

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

Not Present: Crookham

10:30 A.M. SCHEDULED ITEM

2004-04-27 PLANNING – PUBLIC HEARING

The time and date previously set to consider a Resolution to amend the capital facility impact fees within the Santa Nella Community Specific Plan's Implementation Plan as submitted by Planning (currently Resolution No. 2001-63).

Planning Director Bill Nicholson reviews the Staff Report advising the capital facility requirements for new development were established as part of the Santa Nella Community Specific Plan (Specific Plan) that was adopted by the Board of Supervisors on March 27, 2001. The Implementation Plan provided for the rates and methods of financing public improvements required by the Specific Plan. The Santa Nella Development Impact Fee Study analyzed the update of development impact fees for the purpose of constructing capital facilities necessary to serve new development.

Stan Hoffman, Stanley R. Hoffman Associates, provides the overview of the new study.

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

David Downs, Rivers West Holdings speaks in support of the impact fees before the Board.

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board amends the capital facility impact fees within the Santa Nella Community Specific Plan's Implementation Plan and adopts Resolution No. 2004-77B (amends Resolution No. 2001-63).

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

Not Present: Crookham

10:30 A.M. SCHEDULED ITEM
2004-04-27 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider Proposed Resolution to certify the Environmental Impact Report for General Plan Amendment No. 03006 – “Yosemite Lakes Estates” and to approve and adopt the Statement of Facts and Findings regarding Less-Than-Significant Impacts, Significant Effects and Alternatives. Project is 655 acre property and is currently designated Agricultural in the Merced County General Plan and the zoning is A-2 (Exclusive Agricultural). Project is located west of Lake Yosemite and is approximately one mile east of the existing Merced City limits and more specifically, the site is located north of Old Lake Road at the terminus of Golf Road, north and east of the Merced Golf and Country Club.

Planning Director Bill Nicholson reviews the slide presentation providing the background information on the subject property. Mr. Nicholson reviews the policy issues, the proposed map and the boundary lines.

Planning Center Consultant Rachel Struglia reviews the process followed by the Planning Center. She reviews the environmental issues and impacts that are itemized and shown as Items 1 through 12 and the Final EIR steps and impacts.

Mr. Nicholson reviews the Planning Commission recommendation certifying the Environmental Impact Report and approving General Plan Amendment No. 03006 subject to the five Findings. He states the issues and testimony at the Planning Commission hearing were not related to changing or invalidating the EIR.

Mike Gallo/5 G's Corporation representative Mr. Frank Borgess states they have met with Lydia Miller (San Joaquin Raptor Rescue Center), Steve Burke (Protect Our Water) and Joe Mitchell and have encouraged them to be part of the process. He reviews past history and previous awards and agreements with U.S. Fish and Wildlife stating they are sincere in their effort to bring forth the final plan and to reduce the less-than-significant impacts.

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

Dan Holmes, Hillcrest Road resident, thanks the Chairman, Planning Staff and Mr. Borgess for meeting with the property owners at a night meeting in their home. He questions the consultant contract stating he thought this was normally done by the consultant directly with the county agency and not with the consultant and property owner. He further states he feels this is leapfrog development and promotes urban sprawl and for the Board to deny the application.

County Counsel Ruben Castillo responds to the concerns on the preparation of the EIR and states the following are options: contact the county staff to prepare the EIR, hire a consultant and

have the applicant reimburse the county or the applicant can hire a consultant and then bring it back to the Board. In each case, the Board will review what was done.

The Board discusses the SUDP expansion and CEQA requirements.

Merv Wright, Old Lake Road resident, states meetings have occurred with property owners and attorneys and he has received no invitation or information. He states it is his understanding that residents who have not had an opportunity to speak at this time will have an opportunity later in the process.

Bryant Owens appears before the Board and states his opposition to the change to the County General Plan based on cumulative effects on the environment and that no one has responded to his concerns. He urges the Board to deny this text amendment and submits correspondence dated April 27, 2004, Yosemite Lake General Plan Amendment.

Lydia Miller, San Joaquin Valley Raptor Rescue Center, submits correspondence dated April 27, 2004 and reads the letter of concerns with the project into the record.

Bob Rucker speaks in favor of adoption of the EIR.

Merced County Fair Bureau Executive Director Diana Westmoreland-Pedrozo appears and asks the County to consider Mr. Gallo's project and states this project has been on the record for a period of time.

Associate Vice Chancellor University of California-Merced Mike Campbell speaks in support of the certification.

Mike Salvadori reviews the proposed development of the property and property in the area.

Elmer Lorenzi states he has no interest in this property and owns no property in this area and he supports this project.

The Chairman closes the public hearing.

Following a lengthy discussion and based on Findings and upon motion of Supervisor Cortez Keene, seconded by Supervisor O'Banion, duly carried, the Board certifies the Environmental Impact Report for Michael Gallo/5 G's Corporation General Plan Amendment No. 03006, adopts Statement of Findings regarding Significant Effects and Alternatives and adopts Resolution No. 2004-77A.

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

Not Present: Crookham

CONSENT ITEM NO. 30

2004-04-27 BOARD OF SUPERVISORS

Upon motion of Supervisor Nelson, seconded by Supervisor Cortez Keene, duly carried, the Board authorizes Certificates of Recognition to the following individuals for being selected for Firefighter of the Year presented April 7, 2004: Mel Vierra, Fireman, Gustine County Fire; Chris

Unruh, Volunteer, City of Livingston; J.P. Soares, Volunteer, Los Banos County Fire; Bob Smith, Paramedic, Riggs Ambulance; Don Roe, Engineer, City of Merced; Walter Parton, Paramedic, Riggs Ambulance; James Lencioni, Volunteer, Atwater County Fire; Robert Johnson, Captain, Merced County Fire; David Heyer, Volunteer Chief, Merced County Fire and Richard Freitas, Engineer, City of Atwater.

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

Not Present: Crookham

ACTION ITEM NO. 48

2004-04-27 FIRE

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Nelson, duly carried, the Board authorizes a Resolution of Commendation acknowledging Merced County Fire Department personnel in recognition of the heroic efforts and support provided during the October 21 to November 4, 2003 fire siege in Southern California and acknowledges the following individuals: Gabriel Santos, FAE; Daniel Webb, 71 PCF; Rick Baker, 71 PCF; Baraka Carter, FAE; Adam Amaral, 74 PCF; Ralph Gladwin, FAE; Kevin Bowman, FAE; Mike Steineke, FAE; Robert Carvalho, 85 PCF; Brett Markarian, 84 PCF; Tom Sletto, 81 PCF; and Pat Kerrigan, Deputy Chief.

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

Not Present: Crookham

ACTION ITEM NO. 65

2004-04-27 BUSINESS-ECONOMIC OPPORTUNITIES

The Chairman states the matter before the Board for consideration is the California Indian Education Association – Central Valley Chapter requesting a Waiver of the Business License Fees for the PowWow at Lake Yosemite set for May 1 and 2, 2004.

Supervisor O'Banion questions the fee waiver stating the Board waived last year fee request from the Association and at that time stated it would be a one-time waiver.

Business-Economic Opportunities Director John Fowler reviews the Staff Report advising this request is the same as the one brought before the Board the previous year. In accordance with County Ordinance No. 1705, however, a Business License Appeals Board does not yet exist. The Board of Supervisors may perform the functions of the Business License Appeals Board as provided in the Ordinance and that is why the matter is here before the Board.

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

Mr. Michael Hermann, Shawnee and Vice-Chairman of the PowWow Committee for the California Indian Education Association, and Merced resident, advises the Board the weather conditions were extremely bad last year and vendors were unable to display their items which is the reason for requesting again this year for fees to be waived.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board designates the Board of Supervisors as the Business Appeals

Board and denies the California Indian Education Association Central Valley Chapter's request for waiver of Business License Fees for the PowWow at Lake Yosemite May 1 & 2, 2004.

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

Not Present: Crookham

ACTION ITEM NO. 84

2004-04-27 BOARD APPOINTMENTS – WORKFORCE INVESTMENT BOARD (WIB)

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried the Board reappoints Don Bergman, Mike Boardman, Sharon Cresswell and Robert Harmon representing Private Sector; Nicholas Benjamin (One Stop Partner), Kathleen Crookham (Board of Supervisors), Ben Duran (One Stop Partner), John Fowler (Economic Development), Jeremiah Greggains (Labor Organization), Anne Newins (Local Education), Terry Nichols (One Stop Partners) and Carole Roberds (One Stop Partners) representing the Public Sector to serve as Members of the Workforce Investment Board until June 30, 2008.

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

Not Present: Crookham

ACTION ITEM NO. 85

2004-04-27 BOARD APPOINTMENTS – AREA AGENCY ON AGING ADVISORY COUNCIL

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried the Board adopts the amendments to the Area Agency on Aging Advisory Council Bylaws to reflect the membership changes as follows:

- A. One representative from each Supervisorial District, (5 members)
- B. One representative from each of the clubs representing senior citizens and has a majority of members age 60+ within in the County, (14 members)
- C. A representative from transportation services and food services for senior citizens, (2 members)
- D. A representative that works with Long-Term Care Services, (1 member)
- E. California Senior Legislature Representative, (2 members)

And includes amendments to the following Bylaw sections:

Article II, Section 1; Article IV, Section 3; Article IX, Section 1, Section 2 and Section 3.

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

Not Present: Crookham

ADDED AGENDA ITEM

2004-04-27 BOARD APPOINTMENTS – LIBRARY ADVISORY COMMISSION

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board reappoints Bob Olson to serve as a Member of the Library Advisory Commission representing District Four until August 31, 2007.

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

Not Present: Crookham