



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, JUNE 22, 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 Aviation and Development Center-Fitness Center

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: 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 Sheriff Employee Association (MCSEA), Unit 2; Merced County Law Enforcement Sergeants, Unit P and Deputy Sheriff Association, Unit 10

CLOSED SESSION: It is the intention of the Board to meet in Closed Session as follows:

Conference with Legal Counsel-Determination to Initiate Litigation, Subdivision (c) of Section 54956.9: One Case

Conference with Legal Counsel-Significant Exposure to Litigation, Subdivision (b) Section 54956.9: One Case

THE BOARD RECESSED AT 8:30 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED THERE WERE NO REPORTABLE ITEMS

10:00 A. M.

PLEDGE OF ALLEGIANCE

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)

REVIEW BOARD ORDER – SEE PAGE 12

PRESENTATIONS

Recognition of NACo 2004 Achievement Award in the Criminal Justice and Public Safety Category - Best of Category - **PROBATION - PARENT ACCOUNTABILITY BOARD PROGRAM**

Recognition of Outgoing CDF Fire Chief Stan Craig
Clean Air Alternatives - Dr. Adrian Moore

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Departmental Accruals-Variou AmtS and General Services-\$165,000

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 47)

APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

ADDED AGENDA ITEM:

REVIEW BOARD ORDER – SEE PAGES 12 AND 13

THE BOARD FINDS THE NEED TO CONSIDER CONTRACT FOR SPECIAL LEGAL SERVICES AROSE SUBSEQUENT TO THE

POSTING OF THE AGENDA AND PLACES THE ITEM ON THE AGENDA FOR CONSIDERATION AYES: ALL

10:30 A. M.

PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE - POSSIBLE ADOPTION

To consider Proposed Ordinance entitled User Charge Rates for Zones of Benefit for the County Service Area for FY 2004/2005

REVIEW BOARD ORDER – SEE PAGE 13

PUBLIC WORKS - PUBLIC HEARING

To consider Condemnation of certain property and to consider Resolution of Necessity regarding the intent to condemn property and authorization to institute Eminent Domain proceedings for the construction of the Avenue Two Bridge at Canal Creek Project

NO ACTION TAKEN – PULLED FROM THE AGENDA

SHERIFF - PUBLIC HEARING

To consider Establishment of the 2004/2005 Criminal Justice Administrative Fee (Booking Fee) at \$125

REVIEW BOARD ORDER – SEE PAGE 13

PLANNING - PUBLIC HEARING

To consider an Appeal to decision by Planning Commission to Minor Subdivision No. 03069 submitted by Pete Bandoni. Said application is to re-subdivide 2 parcels of approximately 40 acres each, into a total of 4 parcels, Parcel No. 1=20.25; Parcel No. 2=20.25; Parcel No. 3=20 and Parcel No. 4=20 acres in size. Property is located on the northwest corner of Figmond Avenue and Fields Road in the Snelling area

REVIEW BOARD ORDER – SEE PAGES 14 AND 15

PLANNING - PUBLIC HEARING

To consider an Appeal to Planning Commission decision of Zone Variance Application No. 04001 submitted by Jerry Rodgers. Said application is to allow a 60 foot high sign of 384 s.f. that exceeds the 20 foot height and 100 s.f. area maximums in the C-2 zone on property located on the northwest of the Highway 99 Interchange with South Avenue in the Delhi area

REVIEW BOARD ORDER – SEE PAGE 15

COUNTY COUNSEL - PROPOSED ORDINANCE - FIRST READING, SET SECOND READING AND POSSIBLE ADOPTION FOR JULY 20, 2004 AT 10:30 A.M.

An Ordinance entitled Noise Control in the County of Merced (Adds Chapter 10.60)

REVIEW BOARD ORDER – SEE PAGE 16

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items #1 - 47)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Adopt Resolution annexing Harmony Ranch III Subdivision No. 03004 into the Harmony Ranch Storm Drainage and Park Maintenance Zone of Benefit No. 121 in County Service Area Number One.

ADOPTED RESOLUTION NO. 2004-110

2. Adopt Resolution annexing Harmony Ranch III Subdivision No. 03004 into the Delhi Street Lighting Maintenance Zone of Benefit No. 102 in County Service Area Number One.

ADOPTED RESOLUTION NO. 2004-111

3. Approve plans and specifications for Atwater Veterans Memorial Building Restroom Remodel, authorize competitive bids and direct Public Works to return to the Board with recommendation on the award to the lowest responsive bidder.
4. Accept Final Map for Harmony Ranch III Subdivision in the Delhi area.
5. Accept Final Map for Cypress Estates Unit No. 2 Subdivision in the Winton area.
6. Approve and authorize Chairman to sign Amendment to Contract No. 2004165 with Alisto Engineering Group for Professional Solid Waste Monitoring and Consulting Services.
7. Approve and authorize Chairman to sign Amendment to Contract No. 2001134 with Foothill Associates for Professional Biological Monitoring and Consulting Services.
8. Approve and authorize Chairman to sign Amendment to Contract No. 2002117 with Cities of Atwater, Livingston, Merced and Merced Irrigation District for development and implementation of a storm water management plan.

Mental Health

9. Approve and authorize Chairman to sign Renewal Contract No. 2004007 with Staff Care Inc. for Psychiatrist services.
10. Approve and authorize Chairman to sign Renewal Contract No. 200240 with Sylmar Health and Rehabilitation Center for services to clients with severe behavioral problems and chronic psychiatric impairments.
11. Approve and authorize Chairman to sign Renewal Contract No. 2004166 with Challenged Family Resource Center for Family Advocate Services to Merced County families facing challenges.
12. Approve and authorize Chairman to sign Renewal Contract No. 2004015 with Merced Behavioral Health Center as placements for Institutes for Mental Disease in Merced.
13. Approve and authorize Chairman to sign Renewal Contract No. 2004167 with Merced Faculty Associates for consumers physicals at Marie Green.
14. Approve and authorize Chairman to sign Renewal Contract No. 2004168 with Lifestyle Management, Inc. for Multiple Offender Drinking Driver Program.

15. Approve and authorize Chairman to sign Renewal Contract No. 2004169 with Thorington Building Properties for office space located at 658 West Main Street and 1628 N Street in Merced.
16. Approve and authorize Chairman to sign Renewal Contract No. 2004170 with Health Department for Alcohol and Drug HIV services.
17. Approve and authorize Chairman to sign Renewal Contract No. 2000207 with Merced Drug for provision of pharmacy services to clients.
18. Approve and authorize Chairman to sign Renewal Contract No. 2000206 with 7th Avenue Center, Inc. for provision of Institute for Mental Disease (IMD) services.
19. Approve and authorize Chairman to sign Renewal Contract No. 200227 with Probation for Substance Abuse and Crime Prevention Act of 2000 (SACPA) assessment and supervision services.
20. Approve and authorize Chairman to sign Renewal Contract No. 2003108 with Human Services Agency for Money Management Services.
21. Approve and authorize Chairman to sign Renewal Contract No. 2004171 with Community Social Model Advocates, Inc. for Alcohol and Drug Residential Recovery Services.
22. Approve and authorize Chairman to sign Renewal Contract No. 2004172 with Mission Linen Supply for Laundry services for Marie Green facility.

Sheriff

23. Approve and authorize Chairman to sign Renewal Contract No. 2003217 with Evercom Systems, Inc. for Inmate Telephone Service.
24. Approve and authorize Chairman to sign Renewal Contract No, 2003153 with Public Works for weekend law enforcement services at Lake Yosemite.

Health

25. Approve and authorize Chairman to sign Renewal Contract No. 2004174 with District Attorney for the investigation of fraud/abuse within the Indigent Health Care Programs.
26. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2004008 with Teris, LLC dba MSE Environmental for household hazardous waste disposal.

ADOPTED RESOLUTION NO. 2004-112

27. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2002223 with Valley Auto Wreckers for removal and disposal of abandoned vehicles.

ADOPTED RESOLUTION NO. 2004-113

28. Approve and authorize Chairman to sign Renewal Contract No. 2004175 with Mariposa County for Household Hazardous Waste Collection and Disposal Services.

Treasurer-Tax Collector

29. Grant Relief for Shortages in the amount of \$100 and authorize replenishment to the Treasurer.

Ag. Commissioner

30. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2002112 with Calif. Dept. of Food and Agriculture for Red Imported Fire Ant Survey Work.

ADOPTED RESOLUTION NO. 2004-114

District Attorney

31. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2004181 with Governor's Office of Emergency Services for continued participation in the Vertical Prosecution Program and authorize signing of appropriate documents.

ADOPTED RESOLUTION NO. 2004-115

Dept. of Workforce Investment

32. Approve and authorize Chairman to sign Renewal Contract No. 2001125 with Business-Economic Opportunities for sharing of Project Development Manager position.

Business-Economic Opportunities

33. Set public hearing for July 27, 2004 at 10:30 a.m. to consider Request for Joint Venture Proposal No. 5920 for the Fast Open Contracts Utilization Services (FOCUS) covering Telecommunications Technology Solutions Contract Awards/Approvals.
34. Approve and authorize Chairman to sign Renewal Contract No. 2003119 with Robin Forrester dba Forrester Graphics for Office Space at Building 1340 at Castle Airport.
35. Approve and authorize Chairman to sign Renewal Contract No. 2004176 with Auditor for Storage Space at Building 1325 at Castle Airport.
36. Approve and authorize Chairman to sign Renewal Contract No. 2001241 with Safe-Net Consultants for Business Assistance Counseling extending the expiration term to June 30, 2004.
37. Approve and authorize Chairman to sign Amendment to Contract No. 2004177 with Alfonse Peterson for Business Assistance Counseling extending the term to June 30, 2004.

Human Services Agency

38. Approve and authorize Chairman to sign Renewal Contract No. 2004042 with A Woman's Place for Domestic Violence Services.
39. Approve and authorize Chairman to sign Renewal Contract No. 2002197 with Castle Vista for office space for the Tranquility Village Rehabilitation Program.
40. Approve and authorize Chairman to sign Renewal Contract No. 2004178 with Central Sierra Lifeline to provide Communication/Translation and Communication Devices for the MSSP and Linkages Programs.
41. Approve and authorize Chairman to sign Renewal Contract No. 2004179 with John Rohrer Construction for Minor Home Repairs for MSSP and Linkages Programs.

Board Recognition

42. Authorize Certificates of Recognition to Lois J. Hale in honor of dedicated contributions to the educational field.
43. Authorize Certificates of Recognition to outgoing officers and Board Members of the Greater Merced Chamber of Commerce as follows: Mike Carpenter, President; Ron Lawrence,

Vice-President and 2001-2004 Board Member; John Headding, Past President and 2001-2004 Board Member; David Morales, Ron Nieport and Pam Taylor for 2001-2004 Board Members; David Heyer for Volunteer of the Year; Bob and Evie Ayers for Humanitarian Award; Dr. Susan Walsh for Athena Award; Don Bragonier for Citizen of the Year; Werner Company for Business of the Year; Blood Source of Merced County for Small Business of the Year; Brett Baker Construction for Home-Based Business of the Year and Bob Acheson for Associate Member of the Year.

44. Authorize plaque for presentation to Iris Garrett in recognition of the dedication of the new Juvenile Justice Correctional Complex.
45. Authorize Plaque and Certificate of Recognition to Mariposa Gazette in celebration of the Sesquicentennial Anniversary and the 1854 First Printing and to the Mariposa County Courthouse in celebration of the Sesquicentennial Anniversary.
46. Authorize Certificate of Recognition to Carole Stretch for dedicated years of service to the County of Merced.

Board of Supervisors

47. Approve Minutes of March 9, 16 and 30, 2004 as submitted.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

48. Contract with MV Transportation, Inc. for sharing the Annual Operating Costs of the Merced County Transit Facility with Merced County Transit.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004240 AYES: ALL

49. Authorize expenditure of \$4,000 from Special Board Project Funds-District One for payment of one-half the cost of landscaping the Planada Bus Shelter and authorize funds be forwarded to the Housing Authority of the County of Merced for completion and approve the necessary budget transfer (#084).

APPROVED AS RECOMMENDED AYES: ALL

50. Authorize expenditure of \$250 of Special Board Project Funds-District Four to Winton School District Healthy Start Family Resource Center for sponsorship of a table at the upcoming Luau Fundraiser and approve the necessary budget transfer.

NO ACTION TAKEN – PULLED FROM AGENDA

51. Authorize expenditure of \$1,000 from Special Board Project Funds-District Four to be forwarded to the Healthy House and approve the necessary budget transfer (#082).

APPROVED AS RECOMMENDED AYES: ALL

52. Reject non-responsive bid of Hoffman Electronics Systems and award the Contract for the Replacement of Exterior Doors and Add Access Control System at Superior Court to Commercial Construction Company.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004180 AYES: ALL

53. Management Agreement with Merced County Community Action Board for the management of the Planada Community Recreation Building and Senior Citizens Annex for a term of five

years.

REVIEW BOARD ORDER – SEE PAGES 16 AND 17

PROBATION

54. Application for Challenge Activities Funding with State Board of Corrections for funds to enhance or expand existing Juvenile Justice Crime Prevention Act Programs for FY 2004/05.

ADOPTED RESOLUTION NO. 2004-116 AS RECOMMENDED AYES: ALL

55. Authorization to prepare and release a Request for Proposal for a Mobile Food Provider to service the new Juvenile Justice Correctional Complex and authorization to select the most responsive provider to perform the services and and return to the Board with final contract.

APPROVED AS RECOMMENDED AYES: ALL

BUSINESS-ECONOMIC OPPORTUNITIES

56. Contract with Jane McGinnis for Procurement Technical Assistance Center Program services.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004182 AYES: ALL

57. Resolution approving the Foreign Trade Zone No. 226 Tariff Schedule Adjustments.

ADOPTED RESOLUTION NO. 2004-117 AS RECOMMENDED AYES: ALL

58. Contract Award under RFP No. 5906 to IMS Worldwide, Inc. for Foreign Trade Zone No. 226 Consulting Services.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004183 AYES: ALL

59. Contract with Merced County Economic Development Corporation for Economic Development Services.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004193 AYES: ALL

MENTAL HEALTH

60. Contract with RMC Homes, Inc. for Board and Care Home services.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004184 AYES: ALL

HEALTH

61. Contract with Central Self-Storage for storage of Health Department Records and Equipment.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004185 AYES: ALL

62. Authorize release of a Request for Proposal (RFP) for a consultant to assist the County with a Feasibility Study regarding a Countywide Consolidated Dispatch Center (911) and Operational Area Emergency Operations Center (EOC), authorize selection of responsive provider to perform such services and return to the Board for final approval.

APPROVED AS RECOMMENDED AYES: ALL

SPRING FAIR-LOS BANOS

63. Notice of Intent to award RFP No. 5914 and Contract for 2004 Motocross Racing at the Merced County Spring Fair for period of May 2004 through September 2007 subject to approval of Counsel.

REVIEW BOARD ORDER- SEE PAGE 17

EXECUTIVE OFFICE

64. Contract with American Institutes for Research for Feasibility Analyses and Action Plan Development Services as recommended by the Merced County Children and Families Commission and adopt Resolution supporting voluntary, qualified preschool for all 4 year olds in California.

REVIEW BOARD ORDER – SEE PAGE 18

65. Contract with C. Logan McKechnie for Indigent Defense Services.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004173 AYES: ALL
66. Authorize Extra Help Support Services Analyst at the Spring Fair-BU 18100 and Extra Help Special Project Coordinator at the Library-BU 60000 and adopt Resolution.
ADOPTED RESOLUTION NO. 2004-119 AS RECOMMENDED AYES: ALL
67. Just Health Care Ballot Initiative - consider placing an advisory measure on the November 2004 ballot and directing County Counsel and Elections to prepare documents and analysis.
PULLED FROM AGENDA – SEE PUBLIC OPPORTUNITY PAGE 11
68. Merced County Community Action Agency Update for information and/or possible action.
ACCEPTED INFORMATION PROVIDED AYES: ALL
69. Human Services Agency - Reorganization Plan.
REVIEW BOARD ORDER – SEE PAGES 18 AND 19
70. Travel Request for Probation to attend NACo Conference.
APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

71. Contract Amendment with Community Action Agency for Congregate Meals and Home-Delivered Meals.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004188-HOME DELIVERED MEALS AND CONTRACT NO. 2004189-CONGREGATE MEALS AYES: 1, 3, 4, 5 NOT PRESENT: 2

AUDITOR-CONTROLLER

72. Contract with City of Los Banos for Renewal of Los Banos Recorder-Clerk Office Rental.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004190 AYES: 1, 3, 4, 5 NOT PRESENT: 2

BOARD APPOINTMENTS

73. District One - Planada Recreation Committee.
REAPPOINTED GERALD SALCIDO, JOHN MARTINEZ, SOFIA PENA ERSILIA AND ELIDA ANGEL TO SERVE AS MEMBERS OF THE PLANADA RECREATION COMMITTEE UNTIL JULY 12, 2007 AYES: 1, 3, 4, 5 NOT PRESENT: 2
74. District One - Planada Municipal Advisory Council.
REAPPOINTED CRAIG ANDERSON, JOHN ADAME AND HARLENE STOFLE UNTIL MARCH 31, 2005; REAPPOINTED RITA RODRIGUEZ, CONRAD GLORIA, WILLIE BUENDIA, LARRY GONZALES, MARY FUREY, ALBERT HERNANDEZ AND RUTH STONE UNTIL MARCH 31, 2007 TO SERVE AS MEMBERS OF THE PLANADA MUNICIPAL ADVISORY COUNCIL AYES: 1, 3, 4, 5 NOT PRESENT: 2
75. District One - May Day Fair Board.
APPOINTED LUPE RUBALCAVA TO SERVE AS A MEMBER OF THE MAY DAY

**FAIR BOARD REPRESENTING DISTRICT ONE UNTIL JULY 1, 2008 AYES: 1, 3, 4, 5
NOT PRESENT: 2**

76. District One - Planning Commission.
APPOINTED RUDY BUENDIA TO SERVE AS A MEMBER OF THE MERCED COUNTY PLANNING COMMISSION REPRESENTING DISTRICT ONE UNTIL OCTOBER 1, 2005 AYES: 1, 3, 4, 5 NOT PRESENT: 2
77. District Three - May Day Fair Board.
APPOINTED MARK PAZIN TO SERVE AS A MEMBER OF THE MAY DAY FAIR BOARD REPRESENTING DISTRICT THREE UNTIL JULY 1, 2007 AYES: 1, 3, 4, 5 NOT PRESENT: 2
78. District Five - Advisory Board on Alcohol and Other Drug Problems.
APPOINTED CONDON MC CONVILLE TO SERVE AS A MEMBER OF THE ADVISORY BOARD ON ALCOHOL AND OTHER DRUG PROBLEMS REPRESENTING DISTRICT FIVE UNTIL JUNE 30, 2008 AYES: 1, 3, 4, 5 NOT PRESENT: 2
79. Airport Land Use Commission.
APPOINTED FREDERICK HONORE TO SERVE AS A MEMBER OF THE AIRPORT LAND USE COMMISSION AS A BOARD REPRESENTATIVE UNTIL MAY 2, 2007 AYES: 1, 3, 4, 5 NOT PRESENT: 2
80. Workforce Investment Board.
APPOINTED PHIL FLORES TO SERVE AS A MEMBER OF THE WORKFORCE INVESTMENT BOARD UNTIL JUNE 30, 2006 AYES: 1, 3, 4, 5 NOT PRESENT: 2

BOARD OF SUPERVISORS

81. Recognize the Merced County Food Bank, Inc. as the Food Bank for Merced County.
REVIEW BOARD ORDER – SEE PAGE 19
82. Authorize the issuance and signing of a Purchase Order for abatement of asbestos and removal of the existing carpet from Castle Airport Building No. 1230 and approve the necessary budget transfer-\$19,873.
AUTHORIZED CONTRACT NO. 2004191 AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: 1, 3, 4, 5 NOT PRESENT: 2

83. Executive Office re: Merced County Sesquicentennial.
REVIEW BOARD ORDER – SEE PAGE 20
84. Auditor-Controller re: Secretary of State Recertification of Voting System in Merced County.
85. San Joaquin River Task Force re: Unanimous opposition to AB 1983.
86. Senator Roy Ashburn re: Letter advising of effort to create new jobs throughout the Central Valley and revive the economy to benefit working families.
87. Murphy Austin Adams Schoenfeld, LLP re: California WARN Act Notice - Ryan Parreira Almond Company - cease of business operations and termination of all employees.
88. State Office of Historic Preservation re: National Register of Historic Places - Bank of Italy Building-Mondo Building located at 501 West Main Street, Merced, CA.

89. State Fish and Game Commission re: Notice of Meeting June 24, 2004.
90. Nextel Communications Services Division re: Cellular Company - Modification to CUP 02001 to CUP No. 3363 - located at the east side of Snelling Road.

ADJOURNED MEETING UNTIL JULY 20, 2004 AT 10:00 A.M.

BOARD ORDERS - SUMMARY ACTION MINUTES – JUNE 22, 2004

10:00 A.M. SCHEDULED ITEM **2004-06-22 PUBLIC OPPORTUNITY**

Candace Adam Medefind, Merced Recycling Coalition, thanks the Board for its continued consideration of curbside recycling in high-density unincorporated areas of Merced County and distributes an editorial from the June 10, 2004, Merced Sun Star.

Marilyn Mochel, Merced, speaks in support of re-establishing what was formerly known as the Refugee Forum due to the number of new Hmong families arriving in the Merced area.

Louise Sandavol, representing “Just Healthcare”, states it is of vital importance that everyone have health care and speaks in support of “Just Healthcare”.

Dr. Sandoval speaking on behalf of the “Just Healthcare Committee” advises the Committee has decided to withdraw the petition to place the Healthcare Initiative on the November 2004 ballot as they cannot raise \$20,000 for placement on the ballot.

Bruce Harland, Atwater, states disappointment due to the petition withdrawal for Just Healthcare, requests the Board support Senate Bill 929 and asks the Board to contact State Legislators stating support.

The Chairman states Board Agenda Item No. 67 is to be pulled from the agenda and directs staff to review Senate Bill 929 and return with a recommendation.

Supervisor Cortez Keene states disappointment that the petition has been withdrawn and advises the \$20,000 fee is the price for elections.

Supervisor O'Banion states the issue is a non-binding arbitrary initiative and the Board is being asked to put this on the ballot at a local level even though it is a State issue. He states he does not support placement on the ballot as it is advisory and does not add jurisdiction or responsibility and to go forward would not benefit the Merced County citizens. He further states the issue of health services should be addressed to the State and National level.

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

10:00 A.M. ADDED AGENDA ITEM **2004-06-22 COUNTY COUNSEL**

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 a contract amendment for specialized legal services and places the matter on the Agenda for Board consideration.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board approves and authorizes the Chairman to sign Amendment to Contract No. 2003150 with the Law Firm of Lozano Smith for Specialized Legal Services extending the term to June 30, 2005.
Ayes: Kelsey, Cortez Keene, Crookham, Nelson, O'Banion

10:30 A.M. SCHEDULED ITEM

2004-06-22 PUBLIC WORKS - PUBLIC HEARING – ORDINANCE NO. 1725

The time and date previously set for a public hearing to consider Proposed Ordinance entitled County Service Area Number One User Charge Rates for Zones of Benefit in the 2004/2005 Fiscal Year (Repeals Ordinance No. 1703) as submitted by Public Works.

County Counsel Ruben Castillo reads the title of the Ordinance as follows: **ADOPTING THE COUNTY SERVICE AREA NUMBER ONE USER CHARGE RATES FOR ZONES OF BENEFIT IN THE 2004/2005 FISCAL YEAR.**

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board waives further reading of the Proposed Ordinance.
Ayes: Kelsey, Cortez Keene, Crookham, Nelson, O'Banion

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

Upon motion of Supervisor Nelson, seconded by Supervisor Crookham, duly carried, the Board waives further reading and adopts Ordinance No. 1725, Adopting the County Service Area Number One User Charge Rates for Zones of Benefit in the 2004/2005 Fiscal Year (Repeals Ordinance No. 1703).
Ayes: Kelsey, Cortez Keene, Crookham, Nelson, O'Banion

10:30 A.M. SCHEDULED ITEM

2004-06-22 SHERIFF - PUBLIC HEARING

The time and date previously set for a public hearing to consider Criminal Justice Administrative Fee (Booking Fee) at \$125.00 for Fiscal Year 2004/2005 as submitted by the Sheriff.

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

Sheriff Pazin reviews the Staff Report stating this is the first increase in a two year period. He further advises there is current legislation that may eliminate booking fees which would have a significant impact.

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor O'Banion, duly carried, the Board adopts the Criminal Justice Administrative Fee (Booking Fee) in the amount of \$125.00 for Fiscal Year 2004/2005 as recommended by the Sheriff.
Ayes: Kelsey, Cortez Keene, Crookham, Nelson, O'Banion

10:30 A.M. SCHEDULED ITEM
2004-06-22 PLANNING - PUBLIC HEARING

The time and date previously set for a public hearing to consider an Appeal submitted by Pete Bandoni to Planning Commission decision to Minor Subdivision Application No. 03069 re-subdividing two parcels of approximately 40 acres each, into a total of four parcels on property located on the northwest corner of Figmond Avenue and Fields Road in the Snelling area.

Planning Director Bill Nicholson reviews the Staff Report and power point overview.

The Board discusses the U.S. Fish and Wildlife Service permitting process and its possible effect on the subject property.

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

Attorney Ken Robbins, representing the Appellant, states every element listed in the Staff Report shows compliance and the three surrounding properties are under the 20-acre minimum. He submits aerial photos of the surrounding property and a letter dated June 21, 2004 from Ginger Bandoni.

Merced County Farm Bureau Land Use Committee Chairman Les McCabe speaks in opposition stating the minor subdivision is contrary to County policy that preserves open-space lands and agrees with the Planning Commission the Application should be denied and asks the Board to deny the Appeal based on the current use of the property.

County Counsel Ruben Castillo states should the Board approve the Minor Subdivision Application, Finding No. 6 should be modified to read: The Project is exempt from CEQA Review in accordance with Section 15601b3 of the CEQA Guidelines.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board exempts Minor Subdivision Application No. 03069 from CEQA Review in accordance with Section 15601(b)(3) of the CEQA Guidelines and based on amended findings, the Board approves the Appeal overturning the Planning Commission decision and approves Minor Subdivision Application No. 03069 subject to the following conditions:

1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the Hearing Officer approval date, as required by the Subdivision Map Act and Merced County Subdivision Code.
2. The applicant shall comply with all applicable County, State and Federal regulations.
3. The project shall comply with the following requirement of the Department of Public Works Roads Division.
4. A Right-To-Farm statement shall be placed on the face of the Parcel Map consistent with Ordinance No. 1213.

The Chairman calls for a vote on the motion.

Chairman Kelsey votes “no” stating she is unable to make the Findings.

Motion carries.

Ayes: Cortez Keene, Crookham, Nelson, O’Banion

Noes: Kelsey

10:30 A.M. SCHEDULED ITEM
2004-06-22 PLANNING - PUBLIC HEARING

The time and date previously set for a public hearing to consider an Appeal to Planning Commission decision of Zone Variance Application No. 04001 submitted by Jerry Rodgers to allow a 60-foot high sign of 384 square feet that exceeds the 20-foot height and 100 square foot area maximums in the C-2 zone on property located on the northwest of the Highway 99 Interchange with South Avenue in the Delhi area.

Planner Bob King reviews the Staff Report and the power point overview. He submits Letter dated May 26, 2004 from the Delhi Municipal Advisory Council supporting the Appeal.

The Chairman opens the public hearing.

Appellant Jerry Rodgers speaks in support stating 100 percent of the community supports the 60 foot sign.

Randy Beard, Delhi Municipal Advisory Council Chairman, speaks in support of the Appeal stating there is limited visibility and suggests property close to the highway be considered Highway/Commercial.

The Delhi Chamber of Commerce President speaks in support of the Appeal stating this would eliminate the limited visibility barely above the sound wall.

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor O’Banion, duly carried, the Board exempts Zone Variance Application No. 04001 from CEQA and based on Findings, the Board upholds the Appeal and approves Zone Variance Application No. 04001 subject to the following conditions:

1. The variance allows installation of a 60-foot high and 240 square foot sign as indicated on the approved plot plans and elevation plans.
2. Additional signs, including directional and identification within the property, shall be consistent with Chapter 18.42 “Sign Regulations” of the Merced County Zoning Code.
3. The applicant shall conform to the standard requirements of Planning Commission Resolution 97-1.

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

10:30 A.M. SCHEDULED ITEM

2004-06-22 COUNTY COUNSEL – PUBLIC HEARING - PROPOSED ORDINANCE

The time and date set for a public hearing and the First Reading of a Proposed Ordinance entitled Noise Control as submitted by County Counsel's Office.

County Counsel Ruben Castillo reads the title of the Ordinance as follows: AN ORDINANCE AMENDING TITLE 10 – PUBLIC PEACE, MORALS AND WELFARE OF THE MERCED COUNTY CODE, BY ADDING CHAPTER 10.60 THEREOF RELATING TO NOISE CONTROL.

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board waives further reading of the Proposed Ordinance.

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

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

Brenda Williams, Winton resident, speaks in support of the Proposed Ordinance stating officers can enforce the Noise Ordinance without citizens signing a complaint.

Merced County Farm Bureau Executive Director Diana Westmoreland Pedrozo advises she has not reviewed the Proposed Ordinance but is concerned about Conditional Use Permits that are in the process and/or have recently been approved.

County Counsel Ruben Castillo advises if it is an existing permit with conditions that relate to noise, the permits will not be superseded by this Ordinance.

Marylee Kinzie, Winton; Hinz Koob, Franklin Municipal Advisory Council Member; Jay Callahan, Winton and Ruth Stone, Planada speak in support of the Proposed Ordinance.

Supervisor O'Banion requests concerns listed in the letter from the Building Industry Association be addressed.

Mr. Castillo states he will report back to the Board on this issue.

The Board sets second reading and possible adoption for July 20, 2004, at 10:30 a.m.

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

ACTION ITEM NO. 53

2004-06-22 PUBLIC WORKS

The Chairman requests an update and review of the staff recommendation relative to the management of the Planada Community Recreation Building and Senior Citizens Annex.

Public Works Director Paul Fillebrown reviews the staff report advising the County has an agreement with the Community Action Board (CAB) for the Planada Community Hall to effectively manage and maintain the property while allowing the use of the building by the community. He states the Planada Community Development Corporation (PCDC) has been using the building and reviews the proposals that are before the Board by Community Action Board and the PCDC.

He advises Staff has met with all representatives and Staff is recommending the lease be granted to the Community Action Board based on the following reasons: the proposed use of the building is more consistent with the general public uses of similar community halls throughout the County; the PCDC proposed programs are not consistent with the historical use of such County-owned community halls, programs will likely conflict with other general community uses and space is being used for equipment, storage and offices; and, based on prior track record, Community Action Board appears to be in a stronger financial position than the PCDC to administer the contract. He further states Henry Strength, Interim Executive Director for CAB, has indicated interest to see that the PCDC continue their on-going after school program.

Following discussion, Mr. Strength provides the Board with the current status of the agreement between CAB and PCDC.

PCDC Program Director David Corser submits a letter to Undersheriff Bill Blake dated June 14, 2004, and addresses concerns.

Following a lengthy discussion and upon motion of Supervisor Crookham, seconded by Supervisor O'Banion, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2004186 with the Community Action Board for the management of the Planada Community Recreation Building and Senior Citizens' Annex for a 90-day period requesting Community Action Board return with an update on the issue of space with Planada Community Development Corporation.

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

ACTION ITEM NO. 63

2004-06-22 GENERAL SERVICES

Dana Lennemann, speaking on behalf of the California Motorcycle Association (CMA), states the RFP was a result of a settlement with the County of Merced and he provides a brief synopsis of the RFP process for the record.

Deputy County Counsel James Fincher clarifies allegations and issues relative to the RFP process.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board awards RFP No. 5914 and authorizes the Chairman to sign Contract No. 2004192 with A.M.P. Racing, LLC for Motocross Racing at the Merced County Spring Fair subject to approval of Counsel.

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

ACTION ITEM NO. 64

2004-06-22 EXECUTIVE OFFICE

County Executive Officer Dee Tatum states the American Institutes for Research for Feasibility Analyses and Action Plan Development Services Contract is in conformance with Proposition 10.

The following speak in support of voluntary quality pre-school for all 4-year olds in California: Tina Johns, Merced City School District; Marilyn Mochel, Past Commissioner; Denard Davis and Business Economic Opportunities Director John Fowler.

Following discussion, Supervisor O'Banion moves, seconded by Supervisor Cortez Keene, the Board approve and authorize the Chairman to sign Contract No. 2004187 with American Institutes for Research for Feasibility Analyses and Action Plan Development Services as approved by the Merced County Children and Families Commission for voluntary, quality preschool for all 4-year olds in California and adopts Resolution No. 2004-118.

Supervisor Nelson votes "no". Motion carries.

Ayes: Kelsey, Cortez Keene, O'Banion

Noes: Nelson

Absent: Crookham

ACTION ITEM NO. 69

2004-06-22 HUMAN SERVICES AGENCY

Upon motion of Supervisor Crookham, seconded by Supervisor Kelsey, duly carried, the Board takes the following action relative to the Human Services Agency Reorganization Plan:

1. Authorize allocation of one Compliance Management Officer, Range 70.7; one Training Officer, Range 68.7 to BU 5000; three Family Services Supervisor positions, Range 63.5; one Program Manager, Range 70.7 to BU 50053; one Accounting Technician, Range 57.3; one Staff Fiscal Analyst, Range 66.0 to BU 50054; one Administrative Programs Supervisor, Range 60.6; one Office Assistant I/II, Range 49.6/51.6; one Social Services Program Administrator, Range 72.7; five Social Services Program Administrator positions, Range 56.3; one Supervising Social Worker II, Range 68.7 to BU 50055.
2. Reclassify two Employment and Training Program Administrator positions, two Administrative Program Manager positions and two Program Manager Eligibility Services positions to the generic classification of Program Manager at Range 70.7. Reclassify the eight Supervising Employment and Training Worker positions and fourteen Supervising Family Assistance Representative positions to the generic classification of Family Services Supervisor at Range 63.5.
3. Reclassify one Administrative Program Manager to HSA Fiscal Officer, Range 71.2; reclassify the Staff Resources Manager to Staff Services manager, Range 71.2.

4. Change the position title and salary range for the Family Assistance Representative series, (I/II/III) to Family Services Representative I, Range 56.6; Family Services Representative II, Range 58.6 for one hundred twenty five flexibly staffed I/II positions; and twenty-eight Family Services Representative III, Range 60.6. Change the salary of three Systems Support Services Analyst positions, which are aligned to this series, to Salary Range 62.6.
 5. Delete one Account Clerk I/II (Position No. 21) and one Account Clerk III (Position No. 30) effective immediately from BU 500054.
 6. Authorize Salary Range increases to three existing Social Services Program Administrator to Range 72.7.
 7. Adopt the new class specifications for Compliance Management Officer, HSA Fiscal Officer, Staff Services Manager, Training Officer-HSA, Family Services Supervisor, Program Manager, Social Services Program Worker and the revised class specifications for Family Services Representatives I, II and III, Deputy Director of Human Services Agency and Supervising Social Worker II.
 8. Adopt Resolution No. 2004-120.
- Ayes: Kelsey, Cortez Keene, Crookham, Nelson, O'Banion

ACTION ITEM NO. 81

2004-06-22 BOARD OF SUPERVISORS

The Chairman states a newly formed corporation – The Merced County Food Bank, Inc. - has requested that the Board consider utilizing their organization as an entity charged with providing food programs for those in need.

Dr. and Pat Larkin, Dos Palos, speak in support of a centralized food bank for Merced County and state representatives are present from the following areas in support: Dos Palos, Atwater, Dos Palos, Livingston, Merced, Planada and Mariposa County. Mrs. Larkin states Hilmar is not present but is an active part of this group.

Dr. Bill Ruth states the Board of Directors were formed and By Laws created in January, 2004. The Merced County Food Bank, Inc. is housed at Beachwood and Santa Fe, is insured and ready to accept food for distribution.

Hank Strength, representing Community Action Agency (CAA), speaks in support of The Merced County Food Bank, Inc. stating CAA will no longer be operating such a program.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board recognizes the Merced County Food Bank, Inc. as the food bank for Merced County.

Ayes: Kelsey, Cortez Keene, Nelson, O'Banion
 Not Present: Crookham

INFORMATION ITEM NO. 83

2004-06-22 EXECUTIVE OFFICE

The Chairman advises events are planned throughout the County to celebrate the Merced County Sesquicentennial event. She states \$50,000 is being included in the Final Budget for FY 2004/2005.

Supervisor O'Banion states it is important the entire County be involved in this event before he can commit to the recommended \$50,000. He requests celebration events be tied in with the Merced County Fair - May Day Fair.

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

Not Present: Crookham