



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, DECEMBER 14, 2004

Closed Session – 3:00 p.m.

Regular Meeting – 5:30 p.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

3:00 P. 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 Cases

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Subdivision (b) of Government Code Section 54957:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Public Works Director
Title: Child Support Services Director

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; Deputy Sheriff Association, Unit 10 and Non-Safety Corrections, Unit 12

THE BOARD RECESSED AT 3:00 P.M. AND RECONVENED AT 5:30 P.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED THERE WERE NO REPORTABLE ITEMS

5:30 P. M.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

AUDITOR - Award for Excellence in Financial Reporting and Certificate of Achievement for Excellence in Financial Reporting

REVIEW BOARD ORDER – SEE PAGE 7

REPORT - Mercy Medical Center Merced - David Dunham, President

REVIEW BOARD ORDER – SEE PAGE 7

REPORT AND UPDATE - Countywide Agriculture Preservation Strategy Committee (CAPS)

REVIEW BOARD ORDER – SEE PAGE 7

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 PAGES 7 AND 8

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Auditor-Revenue & Reimbursement-\$66,000; Sheriff-\$401 and Commerce, Aviation & Economic Development-\$8,000

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 18)

APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

UC DEVELOPMENT OFFICE - CONTINUED PUBLIC HEARING

To consider a proposed amendment to the Merced County General Plan and associated Environmental Review Report. Said amendment is the University Community Plan which lays out the regulatory and policy framework for the development of a new community on 2,100 acres located immediately south of the UC Merced campus

REVIEW BOARD ORDER – SEE PAGES 8 AND 9

REPORTS/BOARD DIRECTION

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

CONSENT CALENDAR (Items #1 - 18)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Set Public Hearing for January 11, 2005 at 10:30 a.m. to consider proposed ordinance to increase Facility Rental Rates and Vehicle Entrance Fees to County Parks and Establish Fees for Special Events at County Parks.
2. Approve and authorize Chairman to sign Amendment to Contract No. 2003254 with Hilmar Community Hall Board for Operations and Maintenance of Hilmar Community Park.
3. Approve and authorize Chairman to sign Amendment to Contract No. 2003092 with Congressman Dennis Cardoza for office space that increases the monthly rent by \$60 and the contract period for two years extension.

Executive Office

4. Act on Claims for Damages received by Donna Jean Crowder as recommended by Risk Management.
5. Authorize Overhire of two Crisis Intervention Specialists (Pos. #034, 035) for a Limited Term Appointment in Mental Health, BU 41513.

Mental Health

6. Approve and authorize Chairman to sign Renewal Contract No. 2004386 with City of Los Banos to house the Adult Program in Los Banos.
7. Approve and authorize Mental Health Director to sign Amendment Contract No. 200170 with State Dept. of Alcohol and Drug Programs for Comprehensive Drug Court Implementation Grant which extends the availability of Project Year Four funds from December 28, 2004 to December 28, 2005.
8. Approve and authorize Mental Health Director to sign Renewal Contract No. 200170 with State Dept. of Alcohol and Drug Programs for Comprehensive Drug Court Implementation Grant for Project Four funds for FY 2004/2005.

ADOPTED RESOLUTION NO. 2004-226A

Health

9. Approve and authorize Chairman to sign Amendment to Contract No. 2003238 with The Regents of the University of California-Davis for Air Emission Studies related to Animal Confinement Facilities.

ADOPTED RESOLUTION NO. 2004-227

10. Approve and authorize Chairman to sign Renewal Contract No. 2000175 with State Dept. of Health Services for Housing Opportunities for People with AIDS (HOPWA).

11. Approve and authorize Chairman to sign Renewal Contract No. 2004245 with State Dept. of Health Services for AIDS Project Master Agreement to receive funding and authorizing related Memorandum of Understanding to assist with services .

ADOPTED RESOLUTION NO. 2004-228 (AIDS MOU'S) AND RESOLUTION NO. 2004-229 (AIDS MASTER)

Child Support Services

12. Approve and authorize Chairman to sign Renewal Contract No. 2004387 with Information Systems for Plan of Cooperation for the child support program.
13. Approve and authorize Chairman to sign Renewal Contract No. 200171 with Print N Mail, Inc. for bulk mail processing for child support monthly Barnes, notices, billing statements and other forms as requested.

Dept. of Workforce Investment

14. Approve and authorize Chairman to sign Amendment to Contract No. 2004157 with Merced Adult School for PLATO Lab Basic Education Services.
15. Approve and authorize Chairman to sign Amendment to Contract No. 2004293 with City of San Jose to provide Workforce Investment Act services to individuals who live in or near Merced County but who previously worked and were laid off in Santa Clara County.

Commerce, Aviation & Economic Development (CAED)

16. Approve and authorize Chairman to sign Extension to Contract No. 200263 with Siemens Communications in connection with FOCUS Program Procurement for telecommunications.
17. Approve and authorize Chairman to sign Sublease Contract No. 2004388 with Rick Schisnewski for use of a portion of Building 54 at Castle Airport Aviation and Development Center for records and vehicle storage and an administrative office for Merced Commercial Pest Control business.
18. Approve and authorize Chairman to sign Sublease Contract No. 2004389 with Black Diamond Aggregates, Inc. for lease of six acres of land that has been utilized by J Blasingame & Sons for recycling concrete and asphalt materials.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

19. Contract with Snelling Courthouse Historical Foundation for upgrades and adaptive re-use of the Snelling Courthouse for the benefit of the community and the public.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004378 AYES: ALL

20. Make the finding that Flanagan Park is a local park and adopt Resolution changing the name of Flanagan Park to Ray Flanagan Park along with the transfer ownership of the Park to the City of Merced and authorize appropriate documents be executed and signed. (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2004-230 AS RECOMMENDED AYES: ALL

PLANNING

21. Approve the Updated Guidance Package for the Stevinson Community Plan and Stevinson Ranch Project.

APPROVED AS RECOMMENDED AYES: ALL

22. Stevinson Community Plan Steering Committee - Membership change and appointment to ensure the committee reflects an unbiased local perspective on community needs and growth issues, replace Michael Gallo with Roger Jackson due to the change in planning area boundaries and inclusion of a member's significant landholdings.

APPROVED AS RECOMMENDED AYES: ALL

23. Contract with EMC Planning Group for professional services for assistance and oversight in the Delhi Community Plan update and future master planning process and approve the necessary budget transfer in the amount of \$127,837.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004390 AYES: ALL

24. Contract with Delhi Developer Group for payment of costs associated with retaining EMC Planning Group for assistance and oversight in completing the Delhi Community Plan Update and future master plans and approve the budget transfer in the amount of \$25,000.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004394 AYES: ALL

25. PULLED

FIRE

26. Accept the Fire Facilities Impact Fee Report and the Merced County Five Year Equipment Replacement Plan as presented by Fire.

REVIEW BOARD ORDER – SEE PAGE 10

DEPT. OF WORKFORCE INVESTMENT

27. Approve and authorize Chairman to sign Contract with Ag. Commissioner for sublease of office space located at the Ag. Commission office at 1880 W. Wardrobe, Merced.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004391 AYES: ALL

28. Authorize submittal of application to the Employment Development Department Advance Navigator Training Grant Fund for \$41,400 to enhance service delivery to individuals with disabilities at One-Stop locations with the Director to return to the Board for final acceptance and award.

APPROVED AS RECOMMENDED AYES: ALL

LIBRARY

29. Authorize the Merced, Atwater, Dos Palos, George, Gustine, Hilmar, Le Grand, Livingston and Los Banos Library locations to close at 2:00 p.m. on December 24, 2004 and December 31, 2004.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

30. Allocate one additional Deputy Sheriff I/II (Limited Term-Revenue Supported) for needed services to the Human Services Agency per the contract and subject to continued funding by H.S.A., approve the budget transfer in the amount of \$48,125 and adopt Resolution.

ADOPTED RESOLUTION NO. 2004-231 AS RECOMMENDED AYES: ALL

31. Authorize the \$25.00 Bi-Weekly Differential for Juvenile Institutions Officers I/II/III in recognition of deminimis preparation for the beginning of their assigned shift in the locked facility, effective August 13, 2004 and adopt Resolution.

ADOPTED RESOLUTION NO. 2004-232 AS RECOMMENDED AYES: ALL

32. Authorize one Typist Clerk III, Range 54.6 to UC Cooperative Extension for a Limited Term Period (100% Revenue supported), authorize Chairman to sign Contract with University of California for funding to hire and support said position, approve necessary budget transfer in the amount of \$23,086 and adopt Resolution. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004392 AND ADOPTED RESOLUTION NO. 2004-233 AYES: ALL

AUDITOR

33. Approve a 90-day Overhire of a Collection Agent I/II in Revenue and Reimbursement out-stationed at Human Services Agency.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

34. Emergency Medical Care Committee - Reappointments.

REAPPOINTED KRAIG RIGGS, CHUCK COELHO, DEWAYNE JONES, RONALD WOLFF AND TIM BETCHELL, M.D. TO SERVE AS MEMBERS OF THE EMERGENCY MEDICAL CARE COMMITTEE UNTIL JUNE 30, 2008 AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

35. Human Services Agency re: Statewide Automated Welfare Systems (SAWS) - C-IV Update.
36. San Joaquin Valley Air Pollution Control District re: Notice of Stakeholder Meeting on Developing Attainment Demonstration Plans for the Federal 8-Hr Ozone Standards.
37. CSAC re: 2004 Challenge Awards Directory. (On file with Clerk)

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF DAVE WAGER AND BETTY MC CULLOUGH UNTIL TUESDAY, DECEMBER 21, 2004 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – DECEMBER 14, 2004

5:30 P.M. SCHEDULED ITEM
2004-12-14 AUDITOR - REPORT

Auditor-Controller Stephen Jones states the California State Controller's Office has awarded the Merced County Auditor-Controller's Office with the Award for Achieving Excellence in Financial Reporting for Fiscal Year Ending June 30, 2003 and Certificate of Achievement for Excellence in Financial Reporting.

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

5:30 P.M. SCHEDULED ITEM
2004-12-14 CHILD SUPPORT SERVICES - PRESENTATION

County Executive Officer Dee Tatum presents the Truly B Knox Award to Kris Reiman, Child Support Services Director, for her contributions to the Child Support Program.

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

5:30 P.M. SCHEDULED ITEM
2004-12-14 REPORT - MERCY MEDICAL CENTER MERCED

Mercy Medical Center Merced CEO David Dunham provides a power point presentation and reviews the updates of progress being made at Mercy Medical Center Merced highlighting: Financial Performance, Emergency Room Status, Physician Improvement and the New Facility design.

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

5:30 P.M. SCHEDULED ITEM
2004-12-14 PLANNING – REPORT AND UPDATE

Planner Bob King presents a power point presentation of the Countywide Agricultural Policy Strategy CAPS Committee Farmland Preservation Report Summary highlighting: Future Growth Impacts, Proposed Strategy requiring mitigation for loss of Farmland, Farmland Urbanization Impacts, the Agricultural Preservation Strategy, State Farmlands Map, General Plan Amendment, Land Evaluation and Site Assessment (LESA), Completed LESA Evaluation, Timing, Methods of Mitigation, Proposed CEQA Guideline, and the Committee's Recommendation.

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

5:30 P.M. SCHEDULED ITEM
2004-12-14 PUBLIC OPPORTUNITY

Merced American Legion Post Grand Commander Frank Moffett requests the Board consider providing funding for an engineering study to address the adaptive reuse of the building for Post #83. In the past, requests have been made to place funding in the budget for the work and restoration of the building which has not occurred. In addition, in order to be considered for State or Federal Funding the appropriate paperwork needs to be completed and this has not been done.

Following discussion, Public Works Director Paul Fillebrown advises staff is currently working on the applications for State and Federal recognition. Mr. Fillebrown further advises as the budget process begins, needs for various County buildings will be looked at and a Capital Improvement List will be created, however it is not known if funding will be available.

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

5:30 P.M. SCHEDULED ITEM
2004-12-14 UC DEVELOPMENT OFFICE – CONTINUED PUBLIC HEARING

The time and date previously set for a continued public hearing to consider a proposed amendment to the Merced County General Plan and associated Environmental Review Report. Said amendment is the University Community Plan which lays out the regulatory and policy framework for the development of a new community on 2,100 acres located immediately south of the UC Merced Campus.

UC Planning Director Robert Smith provides a brief overview of the December 7, 2004, public hearing and advises copies of the Errata sheet relative to the Agriculture Mitigation and School Policies has been made available to the Board and public.

The Chairman opens the public hearing.

Merced Union High School District Board Member and representative of the "CARE" organization (Coalition of Advocates Regarding Education) Bob Wymer and Superintendent of the Merced Union High School District Dr. Bob Fore speak in support of the modified school policy language and request the language be included into the University Community Plan.

UC Merced Vice Chancellor of Administration and Member of the University Land Company Governing Board Lindsay Desrochers states the University supports the University Community Plan in the proposed location, adjacent to the Campus. Vice Chancellor Desrochers encourages the Board to resolve language issues in A 2.1 and AA 2.2 and amendment concerning Implementation Program 4.7 and states she looks forward to participating in those discussions.

Merced County Superintendent of Schools Lee Andersen speaks in support of the University Community Plan and speedy development. He states the Virginia Smith Trust's goal is to provide scholarships to students from this area for an opportunity to attend college and if phasing is allowed, it could negatively affect the ability to provide scholarships.

Hunt Family representative Sharon Dicker speaks in support and states the University Community Plan will allow the Hunt Family to offer scholarships as development occurs on their land.

Lenar Communities representative Don Larson states Lenar supports the revised language in the Errata and encourages the Board to adopt the language.

California Farm Bureau Federation Board of Director Russ Feltch submits a letter from the California Farm Bureau Federation dated December 14, 2004, and states the State Bureau strongly supports the Merced County Farm Bureau's position relative to the "No Loss of Prime Farmland" alternative and its concerns on water supply and groundwater resources.

Merced County Farm Bureau Executive Director Diana Westmoreland Pedrozo submits a letter dated December 14, 2004, and addresses the issue of the Water Supply Plan.

Lydia Miller, representing the San Joaquin Raptor Rescue Center and Protect Our Water, submits documents dated December 14, 2004, stating concerns with documents that are before the Board and states she does not think the University will be able to obtain its federal permit.

Bryant Owens speaking on behalf of the San Joaquin Raptor Rescue Center and Protect Our Water, urges the Board to not certify the Final Environmental Impact Report and not adopt the General Plan Amendment. In addition, speaking on his own behalf, Mr. Owens states he opposes the project as proposed and urges the Board delay taking action.

President of Merced Farm Bureau Board Philippe Favier states the plan being considered today is not the plan that the Bureau supported ten years ago and the Bureau has concerns with that. He requests the Board delay approval of development south of Cardella and keep the corridor down Bellevue Road.

Merced County Farm Bureau Secretary/Treasurer Louie Bandoni advises the farming community is concerned about a reliable source of water for agriculture and states it's time for the cities, County and Merced Irrigation District to work together on a true hydrologic study of underground aquifers.

Les McCabe, representing the Merced County Farm Bureau Board of Directors and as the Land Use Chairman, refers to the letter he submitted at the December 7, 2004, public hearing and states concern with the General Plan Consistency Findings of Fact-Exhibit B, Land Use Policy/Conversion of Ag. Land, Health Issues and traffic safety.

The Chairman closes the public hearing.

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board directs staff to complete preparation of documentation for support certification of the Environmental Impact Report and approval of the University Community Plan General Plan Amendment for the Board's consideration on December 21, 2004, and states its intent to accept public written comments on these documents prior to Board action.

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

ACTION ITEM NO. 26

2004-12-14 FIRE

The Clerk states the item before the Board for consideration: Accept the Fire Facilities Impact Fee Report and the Merced County Five-Year Equipment Replacement Plan and advises the Five-Year Equipment Replacement Plan has been removed from the Agenda and will not be considered for Board approval.

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board accepts the Fire Facilities Impact Fee Report as submitted.

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