



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, DECEMBER 21, 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 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 - 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: Protect Our Waters et al v. County of Merced, Case Nos. 147518 and San Joaquin Raptor Rescue Center et al v. County of Merced, Case No. 147425

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: Librarian

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 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

PRESENTATIONS - Mental Health Services Act

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)

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) District Attorney-\$3,100; Child Support Services-\$10,000; Human Services Agency-\$70,000; Health, SCEAP-\$2 and Public Works-\$4,925

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 5)

APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:30 A. M.

PLANNING - PUBLIC HEARING

Appeal of Planning Commission action approving Conditional Use Permit No. 99009 for Jaxon Enterprises, Inc. Mining and Reclamation

To consider an Appeal to Conditional Use Application No. 99009 submitted by San Joaquin Raptor Rescue Center, Protect Our Water, Le Grand Community Association. Said Application is to expand existing aggregate surface mining operations onto an additional 214 acres of land currently owned by the Applicant on site located south and east of White Rock

Road, about a quarter mile north of Le Grand Road and about four miles northeast of the unincorporated community of Le Grand in southeast Merced County. Through this permit, approval is requested for the continued operation of the existing Project's processing plant to serve the proposed expanding mining area. The existing processing facilities will not be modified or expanded. Approval is requested to revise the Project's hours of operation to include sporadic batch plant and loadout during nighttime and early morning hours. The Reclamation Plan seeks to modify the previous reclamation phasing from five to 20+/- acre increments

REVIEW BOARD ORDER – SEE PAGES 8 thru 12

PLANNING - 2004 CYCLE III GENERAL PLAN AMENDMENT

REVIEW BOARD ORDER – SEE PAGE 12

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items #1 -5)

APPROVED AS RECOMMENDED AYES: ALL

Commerce Aviation and Economic Development (CAED)

1. Approve and authorize Chairman to sign Sublease Contract No. 2004393 with Merced Irrigation District for use of Building 1263 at Castle Airport Aviation and Development Center.
2. Declare the four Fuel Storage Tanks at Castle Airport as Surplus and of No Value to the County and authorize Purchasing to amend Castle Beautification Contract to facilitate removal of the tanks.

Executive Office

3. Approve Travel Request for Planning as recommended by Executive Office.

Auditor

4. Approve and authorize Chairman to sign Amendment to Contract No. 2004394 with Employment Development Department for Collection Information.

Board Recognition

5. Authorize Certificate of Recognition to South Dos Palos Midway Moments of Reflection Committee recognizing the Annual "Gala" in memory of Bertha Mathews, Bruno Ceccarelli, Charles & Velma Branch, Arthur & Reatha Burns, George Robinson, Morris and Annie Betsy Carroway.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

6. Authorize expenditure from Special Board Project Funds-District One in the amount of \$1,182 to Central Valley Opportunity Center, Inc. to help with their Christmas Basket Program and approve the necessary budget transfer. (#031)

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOES: 5

7. Authorize expenditure from Special Board Project Funds-District One in the amount of \$1,183 to Community Action Partnership to be utilized by CAA-Community Food Assistance Department for their Meals-On-Wheels Program and approve the necessary budget transfer. (#032)

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOES: 5

8. Authorize expenditure from Special Board Project Funds-District One in the amount of \$1,200 to the Le Grand High School District to assist the Le Grand High School Cheerleading Squad with their trip to the National Cheerleading Competition to be held in March, 2005 and approve the necessary budget transfer. (#030)

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOES: 5

9. Authorize expenditure from Special Board Project Funds-District One transferring \$3,565 to the Road Fund for the correction of drainage problems at the Southeast corner of Sutter Street and Broadway in Planada and approve the necessary budget transfer.

PULLED FROM AGENDA – NO ACTION TAKEN

TAX COLLECTOR

10. Resolution designating Investment Authority to the County Treasurer for the 2005 Calendar Year under Government Code Section 27000.1 and 53607.

ADOPTED RESOLUTION NO. 2004-234 AS RECOMMENDED AYES: ALL

11. Accept the 2005 Investment Policy for the County of Merced as recommended.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

12. Contract with Challenged Family Resource Center for Services to Adoptive/Foster Parents of children with Special Needs.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004396 AYES: ALL

13. Contract with Merced Lao Family Community, Inc. for Refugee Employment and Social Services program for specialized skills and services to new refugee families resettling in Merced County and approve the necessary budget transfer in the amount of \$100,000. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004397 AYES: ALL

14. Contract with Central California Legal Services, Inc. for Senior Legal Assistance Program special services.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004398 AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT (CAED)

15. Approve and authorize Chairman to sign Sublease Contract with Sanitec Industries for lease of Building 1260 at Castle Airport Aviation and Development Center for the purpose of manufacturing medical and laboratory waste processing equipment and a sealed container transfer station.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004399 AYES: ALL

DISTRICT ATTORNEY

16. Contract with Governor's Office of Emergency Services for Budget Modification to the Rural Crime Prevention program; authorize purchase of two Ford F150 Crew Cab Pickups for the Rural Crime Prevention program and approve the budget transfer in the amount of \$117,184. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004386 AYES: ALL

PLANNING

17. Contract with Hilmar County Water District to initiate and complete the Hilmar County Water District Feasibility Study and approve the budget transfer in the amount of \$10,000. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004400 AYES: ALL

EXECUTIVE OFFICE

18. Contract with Judith K. LaSalle and Contract with Franz Moosbauer with a term of January 3, 2005 to April 30, 2005 for provision of continuity of services and leadership during the intervening period of the new Chief Probation Officer designee position and approve the budget transfer in the amount of \$51,680.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004401 (LASALLE) AND CONTRACT NO. 2004402 (MOOSBAUER) AYES: ALL

19. Establish and approve a Chief Civil Litigation classification, Range 82.3, allocate said position to BU 12503-County Counsel and adopt Resolution.

ADOPTED RESOLUTION NO. 2004-235 AS RECOMMENDED AYES: ALL

20. Approve Job Specification and allocate one Mental Health Services Program Analyst to Mental Health, BU 41506, authorize the aligned classification of Extra Help Consumer Assistance Worker and adopt Resolution.

ADOPTED RESOLUTION NO. 2004-236 AS RECOMMENDED AYES: ALL

21. Resolution supporting efforts to create a task force to help prevent violence in Merced County.

ADOPTED RESOLUTION NO. 2004-237 AS RECOMMENDED AYES: ALL

UC DEVELOPMENT OFFICE

22. Certification of the Environmental Impact Report and Approval of the University Community Plan General Plan Amendment.

REVIEW BOARD ORDER- SEE PAGES 7 AND 8

COUNSEL

23. Set First Reading for January 4, 2005 at 10:30 a.m. and Second Reading and possible adoption for January 11, 2005 at 10: 30 a.m. to consider proposed ordinance adopting the

Merced County Code.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

24. Mental Health Advisory Board - Members-At-Large Appointments.

APPOINTED ARMANDO LEYVAS UNTIL JUNE 30, 2005 AND KIM CARTER UNTIL JUNE 30, 2007 TO SERVE AS MEMBERS OF THE MENTAL HEALTH ADVISORY BOARD AYES: ALL

25. San Joaquin Valley Unified Air Pollution Control District Citizens Advisory Committee - Reappointment.

REAPPOINTED MARY-MICHAL RAWLING TO SERVE AS A MEMBER OF THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT CITIZENS ADVISORY COMMITTEE UNTIL JANUARY 31, 2008 AYES: ALL

26. Law Library Board of Trustees – Appointments

APPOINTED BRUCE J. HENDRICKS AND JULIE FURMAN STODOLKA TO SERVE AS MEMBERS OF THE LAW LIBRARY BOARD OF TRUSTEES UNTIL JANUARY 1, 2006 AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

APPROVED AS RECOMMENDED AYES: ALL

27. Public Works re: Notification of Contract No. 2004403 Award with State Dept. of Transportation (Caltrans) Bicycle Facilities Unit to reconstruct the Lake Road Bike Path.

AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT

28. Dept. of Workforce Investment Board re: Subgrant Agreement.

29. Mosquito Abatement District re: Consideration of new appointment for term expiring on December.

THE BOARD RECESSED TO MEET AS A COMMUNITY ACTION AGENCY AND RECONVENED AS A BOARD OF SUPERVISORS AND ADJOURNED THE MEETING IN MEMORY OF JESS TELLES, JR. UNTIL TUESDAY, JANUARY 4, 2005 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – DECEMBER 21, 2004

10:00 A.M. SCHEDULED ITEM

2004-12-21 MENTAL HEALTH - PRESENTATION

Mental Health Director Troy Fox advises the Mental Health Services Act goes into effect January 1, 2005. Funding is generated through income tax and over \$1 million a year will go into a special fund and be distributed to local Mental Health Services Fund. Mr. Fox reviews a Powerpoint presentation highlighting: Vision/Planning, Highlights of Required Content for Mental Health Services Act Planning, FY 04-05 Funding Allocations, FY 05-07 Distribution of Funds, Tentative Timelines for Implementation FY 04-05, Fund Available–October 2005 and Realignment and Trust Fund.

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

ACTION ITEM NO. 22

2004-12-21 UC DEVELOPMENT OFFICE

The Clerk reads the item before the Board for consideration: Certification of the Environmental Impact Report and Approval of the University Community Plan General Plan Amendment.

UC Planning Director Robert Smith advises there are two additional sets of Errata to the University Community Plan/Final Environmental Impact Report which have been posted on Merced County's website and represents minor technical changes with no different conclusions in the environmental document and he reviews the documents. In addition, Mr. Smith submits a letter of support of the University Community Plan from UC Merced Chancellor Carol Tomlinson-Keasey that was published in the Merced Sun Star; Minutes from the Merced Irrigation District Board Meeting of October 19, 2004, which was referred to in the letter from the Merced County Farm Bureau and the Fall 2004 Merced Irrigation District Newsletter titled "The Main Canal". Mr. Smith advises this information has been incorporated into the Response to Oral Testimony received December 7 and 14, 2004, and have been posted on the County's website and provided to the Board.

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

Jean Okuye submits and reads letter from the Community Alliance with Family Farmers (CAFF) organization concerning farm land mitigation.

Lydia Miller, representing the San Joaquin Raptor Rescue Center and Protect Our Water, advises she faxed and e-mailed comments. She states she has not had the opportunity to review the changes that have been submitted by staff and has not been able to access the website and objects to non notification of the Erratas.

The Chairman closes the public comment period.

Mr. Smith advises the Errata, with exception of the Errata to Exhibit A, was posted on the County website the morning of December 20, 2004, and the exhibits and resolutions have been posted on the website for several weeks.

Supervisor Kelsey states the proposal is for the Board to designate an area for future growth and there are some hurdles to get over before actual rezoning of the land takes place and she asks staff to explain the requirements of SB 610 and how it affects the project.

EIP Associates Vice President Brian Boxer reviews SB 610 stating a tentative map cannot be approved until a written verification of the availability of water is provided.

Outside Counsel Tony Rossmann states the recommendation presented will enable future development to go forward and will set basic policy that it is the Board's preference the Community develop in the proposed area as opposed to the obsolete determination that the development would otherwise take place in the hillsides that are covered with endangered species and other things of concern.

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board certifies the Environmental Impact Report for the University Community Plan General Plan and General Plan Amendment and approves the Errata to the University Community Plan Final Environmental Impact Report.

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

Upon motion of Supervisor Crookham, seconded by Supervisor Nelson, duly carried, the Board adopts the Findings of Fact and Statement of Overriding Consideration and the General Plan Consistency Findings of Fact for approval of the University Community Plan and the General Plan Amendment and adopts Resolution No. 2004-238 (Certification) and 2004-239 (Findings).

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

10:30 A.M. SCHEDULED ITEM

2004-12-21 PLANNING AND COMMUNITY DEVELOPMENT – PUBLIC HEARING

The time and date previously set for a public hearing to consider An appeal of Planning Commission decision approving Conditional Use Permit No. 99009 for Jaxon Enterprises, Inc. Mining and Reclamation filed by San Joaquin Raptor Rescue Center, Protect Our Water and Le Grand Community Association. Applications submitted by Jaxon Enterprises, Inc. Mining and Reclamation to expand existing aggregate surface mining operations onto an additional 214 acres currently owned by the applicant. The site is located south and east of White Rock Road, about a quarter mile north of Le Grand Road and about four miles northeast of the unincorporated community of Le Grand in southeast Merced County. Through this permit, approval is requested for the continued operation of the existing Project's processing plant to serve the proposed expanding mining area. The existing processing facilities will not be modified or expanded. Approval is requested to revise the Project's hours of operation to include sporadic batch plant and loadout during nighttime and early morning hours. The Reclamation Plan seeks to modify the previous reclamation phasing from five to 20+/-acre increments.

County Counsel Ruben Castillo states he reviewed the possible conflict of interest for Supervisor Kelsey and after contacting FPPC and based on discussions and review of the law, he

could not discern that there was a conflict of interest. Therefore, Supervisor Kelsey can participate in this matter.

Assistant Planning Director Keith Woodcock advises a comment letter was received from Ruth Stone.

Bruce Stubing, Resource Design, reviews the prepared Environmental Impact Report and advises they assisted County staff with the Staff Report, Findings and Resolutions. He provides the power point presentation and project description overview.

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

Dave Patton, Local 3, speaks in support because of the jobs the project will create.

Denny Uchols, Ed Bright, John Sonny Hultgren, Sam Uhler speak in support of the Project.

Merced County Farm Bureau Executive Director Diana Westmoreland Pedrozo submits letters and reads the comments, stating a Hydrology Study needs to be done for Eastern Merced County and requests the Board uphold the Appeal and return the matter to the Planning Department.

Lydia Miller, representing San Joaquin Raptor Rescue Center and Steve Burke of Protect Our Water, submits and reads written comments and states concern with the lack of availability of documents and requests the Board not certify the Environment Impact Report.

Mike Asyer speaks on behalf of Mrs. Craven stating the present operation is the best neighbors and the nighttime operations do not bother her who is in support of the Project.

Scott Porter read letters into the record from Robert Robson, Le Grand Municipal Advisory Council; The Marchinis, Santa Fe Farms; JS Lucas; George Hinds and Le Grand Municipal Advisory Council. Mr. Porter advises the Le Grand Municipal Advisory Council is not against the operation but wants the truck to go around Le Grand Schools and Parks.

Bruce Sanyo states concern with the groundwater supply and requests the Board consider the past record of Jaxon Enterprises when deciding whether or not to allow the expansion.

Jack Baker, Jaxon Enterprises, reviews the power point presentation and responds to the traffic, noise, night work issues which were concerns of the Planning Commission.

The Chairman closes the public hearing.

Discussion is had regarding truck traffic and road impact fees.

Mr. Baker advises road improvements are suggested by Public Works and Jaxon Enterprises has agreed to fund the material portion of the road improvement and interchange. Mr. Baker states it will take two years to complete the improvements and Jaxon Enterprises will do one half this year and the remainder next year with the first half to include the area in front of Mrs. Stone's property.

Planning Director Bill Nicholson states there is no dollar amount specified beyond \$83,000 for the Interchange and recites Condition No. 9 as contained in the Staff Report.

Supervisor Kelsey asks for clarification on the proposed traffic study for the Le Grand area.

Mr. Nicholson states the traffic study will be funded through grant funds and alternative routes can be required.

Supervisor Kelsey states concern with the possibility of the County missing the opportunity for Jaxon Enterprises to comply with study results.

Mr. Nicholson states the condition could be modified to provide an alternative to agree to pay for road improvements along Le Grand Road and White Rock Road.

Mr. Baker agrees to modify Condition No. 9.

Following discussion and upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, based on Findings, the Board denies the Appeal and supports the Planning Commission's decision relative to the Final Environmental Impact Report and Conditional Use Permit and certifies the EIR adopting all related CEQA Findings, approving all Mitigation Measure and the Mitigation Monitoring Program, and adopts a Statement of Overriding Considerations and approves Conditional Use Permit No. 99009 based on the following conditions as modified:

1. The Conditions of Approval of Conditional Use Permit No. 3603 are hereby superceded by the Conditions of Approval of CUP 99-009.
2. Conditional Use Permit No. 99-009 is granted only for the following:
 - a. Maximum annual production – 330,000 cubic yards or 550,000 tons.
 - b. Life of Permit: Maximum of 30 years (until 12/31/2034).
 - c. Maximum Area to be excavated: 304 acres (includes 90 acres permitted by CUP 3603 and 214 acre expansion area approved with this application).
 - d. Maximum depth of excavation: 23 feet below pre-mining surface grade elevation. However, depth may be increased to 38 feet at the pond locations shown on the approved plot plan.
 - e. Site is to be mined and reclaimed in Phases of approximately 20 acres each. No more than three Phase Areas may be active at any one time.
 - f. All mining and related uses shall be located, developed, and operated in a manner described on the approved plot plan, section, phasing map, elevations, and the conditions of this permit.
3. Hours of Operation shall be limited to the following:
 - a. Excavation, processing, rock crushing and hauling shall be limited to 7AM to 6 PM, Monday through Friday.
 - b. In order to serve those projects that require night time deliveries, such as to meet the requirements of Caltrans, operations between the hours of 6PM and 7AM may be permitted, subject to the following: Production of asphalt and the hauling of materials may occur insofar as the applicant does not exceed six days a week, Monday through Saturday. Excavation or rock crushing shall not occur between 6:00 P.M. and 7:00 A.M., except as provided in 3.c., below.

- c. In the event that P.G. & E. requires that energy curtailment plans be implemented, mining operations, including excavation and processing, shall be permitted during nighttime hours. However, in such an event, the plant shall close for an equivalent number of daytime hours so that the overall number of hours shall be maintained.
4. Reclamation of the site shall conform to the approved Reclamation Plan. Reclamation shall be on-going. Reclamation of each Phase Area shall commence within one year of the end of mining in that particular Phase. Reclamation of a mined Phase Area shall be completed within three years of the start of reclamation activities. Overall reclamation of the entire project area shall be completed within three years of the end of mining activities.
5. The operation of the site shall comply with the Mitigation Monitoring and Reporting Plan as adopted by the Merced County Planning Commission. Said Plan is noted as Exhibit "A" to Conditions of Approval.
6. The project shall comply with standard conditions listed in Planning Commission Resolution No. 97-1, submitted as Exhibit "B".
7. Prior to exercising the permit, the applicant shall provide the County with a financial guarantee for reclamation of the site in the amount acceptable to the Planning and Community Development Director and incorporating relevant recommendations of the Department of Conservation's Office of Mine Reclamation.
8. Upon completion of the project, all the machinery and equipment associated with the mining operation shall be removed from the property, unless it will be used for the planned reclaimed use of the site.
9. Prior to commencing mining activities, the project sponsor or operator shall enter into a Roadway Impact Agreement with the Merced County Department of Public Works to mitigate the impact of the project related to Le Grand Road between White Rock Road and Santa Fe Avenue. As an alternative, the applicant will work with the County Department of Public Works to implement improvements resulting from the Le Grand Community traffic study.
10. Prior to commencing mining activities, the project sponsor or operator shall contribute \$83,000 (2004 dollars) to the Merced County Public Works Department as the project's fair share costs of improvements to a freeway interchange at State Route 99 and Le Grand Road or Arboleda Road.
11. The applicant shall furnish the Planning and Community Development Director with a report describing compliance with the reclamation plan by July 1st of each year. With each report, the permittee shall provide a map to scale, showing current progress and mining reclamation, revegetation, and wetland protection.
12. The Planning and Community Development Director or his designee shall review the report and inspect the mining operation to determine and assure continuing compliance with the approved reclamation plan and the Conditions of Approval. The applicant shall pay the County the actual cost of conducting inspections, annually or at other times, and shall make available to the Planning and Community Development Director such information necessary for determining compliance.

13. If the Conditional Use Permit is not used within one year, it shall become automatically void without further action. The Planning Commission may extend the Conditional Use Permit if a request is filed by the applicant prior to its expiration. (Zoning Code Section 18.50.09B).
14. If the use authorized by the Conditional Use Permit is abandoned or discontinued for a period of one year or more, the Planning and Community Development Department may initiate revocation proceedings at a public hearing before the Planning Commission.
15. During the life of the project, the project sponsor shall comply with the requirements of regional, state, and local agencies with jurisdiction over the project or resources affected by the project.
16. Prior to the sale/transfer/lease of the project site and/or operations, the applicant shall notify the Planning Department of said transaction. The intent of this condition is solely to keep the County apprised of the owner and operator of the site.
17. Operator of the site shall provide to Merced County Planning and Community Development Department when requested documentation such as truck or weight scale logs to verify compliance with Condition No. 2 related to production limits.
18. The use of Jake brakes shall be prohibited in the vicinity of residences during night-time operations.

and adopts Resolution No. 2004-240.

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

10:30 A.M. SCHEDULED ITEM

2004-12-21 PLANNING – 2004 GENERAL PLAN AMENDMENT - CYCLE III

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board adopts the 2004 Cycle III for General Plan Amendment No. 04001 for the University Community Plan and adopts Resolution No. 2004-241.

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

SUMMARY ACTION MINUTES ADDENDUM A G E N D A

BOARD OF SUPERVISORS

TUESDAY, DECEMBER 21, 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

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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 LEGAL COUNSEL - ANTICIPATED LITIGATION: It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9: One Case
THE BOARD RECESSED 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

BOARD ACTION

ADDENDUM ITEMS

1. Approve Budget Transfer for Capital Improvement Projects (DPW 033) in the amount of \$9,901.

APPROVED AS RECOMMENDED AYES: ALL

2. Contract with Aero Tech Surveys for Aerial Photogrammetric Survey Consultant services for Merced County Landfill sites.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004404 AYES: ALL

3. Authorize expenditure of Special Board Project Funds-District One in the amount of \$4,000 to be forwarded to the City of Livingston to help with the cost to re-roof the Old Court Building in Livingston and approve the necessary budget transfer.

REVIEW BOARD ORDER – SEE PAGE 15

**BOARD ORDERS – SUMMARY ACTION MINUTES – DECEMBER 21, 2004
ADDENDUM AGENDA**

ADDENDUM ITEM NO. 3

2004-12-21 PUBLIC WORKS - BOARD OF SUPERVISORS

The Clerk reads the item before the Board for consideration: Authorization to expend Special Board Project Funds-District One in the amount of \$4,000 to be forwarded to the City of Livingston to help with the cost to re-roof the Old Court Building in Livingston and approve the necessary budget transfer.

Supervisor O'Banion states concern with the amount of funds being taken out of Special Board Project Funds from District One and feels the funds should be left in place for the incoming new Board Member.

Supervisor Cortez Keene states work has already begun and that the City of Livingston and County Bank have contributed \$5,000 each toward this project along with the community and private individuals. The request for funds from the County is being made as a partner.

The Chairman states she feels this matter could wait until the incoming Board Member is on the Board.

Following discussion, Supervisor Cortez moves, seconded by Supervisor Nelson, the Board authorize expenditure of Special Board Project Funds-District One in the amount of \$4,000 to be forwarded to the City of Livingston to help with the cost to re-roof the Old Court Building in Livingston and approve the budget transfer.

Supervisor O'Banion votes "no".

Supervisor Kelsey "abstains".

The Chairman asks Counsel if the budget transfer requires a 4/5 vote.

County Counsel Ruben Castillo advises a 4/5 vote is required.

Supervisor Cortez Keene moves a Modification to the Motion, to reduce the amount of the expenditure from \$4,000 to \$2,000.

Supervisor Crookham seconds the Modification to the Motion.

The Chairman calls for a vote on the Amended Motion. Motion carries.
Ayes: Kelsey, Cortez Keene, Crookham, Nelson, O'Banion

SUMMARY ACTION MINUTES

COMMUNITY ACTION AGENCY GOVERNING BOARD

Regular Meeting

TUESDAY, DECEMBER 21 , 2004
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
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*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.*

The Agenda is available online at www.co.merced.ca.us

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE
INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE

Members of the public are advised that all pagers, cellular telephones and any other communication devices are to be turned off upon entering the Board Chambers

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 (Testimony limited to five minutes per person)

REGULAR CALENDAR

BOARD ACTION

1. Contract Amendment with Merced County Community Action Board, Inc., a non-profit corporation, as the newly designated Community Action Agency effective January 1, 2005; authorize transfer of title responsibility for appropriate Community Action Agency assets where the County holds title, to the Merced County Community Action Board, Inc. to be utilized in the respective programs for which the grantor/contractor provided funding.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003253 AYES: ALL

2. Accept sale of the Winton Sybil Crookham Head Start Facility to the Winton School District for \$32,000 and to use the proceeds for playground improvements at the Los Banos Texas and Livingston Prusso Head Start sites as recommended by the Head Start Parent Policy Council and the Merced County Community Action board, Inc. and authorize said request be forwarded to the Administration for Children and Families for consideration.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION

ACCEPTED AND PLACED ON FILE AYES: ALL

3. Acknowledge that the Governing Board of the Community Action Agency has been informed the Community Action Board is seeking funding through the local FEMA Board in the amount of \$76,000.
4. Acknowledge that the Governing Board of the Community Action Agency has been informed the Community Action Board is proposing reorganization of the Finance and Accounting Department and is authorizing new job classifications.
5. Acknowledge that the Governing Board of the Community Action Agency has been informed the Community Action Board is seeking funding from Catholic Health Care West in the amount of \$20,000 to implement a Boot Camp for Dads at Merced Community Campus Hospital.
6. Acknowledge that the Governing Board of the Community Action Agency has been informed the Community Action Board has received additional funds in the amount of \$25,407 to the 2004/2005 contract year for Women, Infants and Children Program (WIC).
7. Acknowledge that the Governing Board of the Community Action Agency has been informed that the Community Action Board has signed Contract Renewal with Calif. Dept. of Education for Child and Adult Care Food Program.
8. Acknowledge that the Governing Board of the Community Action Agency has been informed that the Community Action Board has received additional funds of \$88,500 to the 2004/2005 Year for revitalized nutrition services to WIC participants in Merced and Mariposa Counties.
9. Acknowledge that the Governing Board of the Community Action Agency has been informed that the Community Action Board has signed MOU with Center for Communication Skills to provide Speech and Language Assessment Services to the Head Start Program.
10. Acknowledge that the Governing Board of the Community Action Agency has been informed that the Community Action Board has applied for funding to the Dept. of Housing and

Community Development Emergency Housing Assistance Program to support operations at Havenwood.

11. Acknowledge that the Governing Board of the Community Action Agency has been informed that the Community Action Board has received additional funds of \$80,622 to the 2002/2005 Contract Year to supplement subcontract, operation costs, salaries and fringe benefits due to the Merced Program meeting its caseload.
12. Acknowledge that the Governing Board of the Community Action Agency has been informed that the Community Action Board has renewed Contract with Gustine Unified School District to provide Gustine Head Start Center services.
13. Acknowledge that the Governing Board of the Community Action Agency has been informed that the Community Action Board has approved proposed Administrative Budget for 2005.
14. Place Board Information Items on file from Community Action Board – Staff and Committee Reports, Community Action Board Items (BAI's) and Community Action Board Items (CAFS) from Board Meeting on September 14, 2004.
15. Place Board Information Items on file from Community Action Board – Staff and Committee Reports, Community Action Board Items (BAI's) and Community Action Board Items (CAFS) from Board Meeting on October 12, 2004.

ADJOURNED MEETING UNTIL TUESDAY, JANUARY 4, 2005 AT 10:00 A.M.