



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, JANUARY 11, 2005

Closed Session – 8:00 a.m.

Regular Meeting – 10:00 a.m.

MERCED COUNTY  
ADMINISTRATION BUILDING  
2222 "M" STREET  
BOARD ROOM, THIRD FLOOR  
MERCED, CALIFORNIA 95340  
(209) 385-7366

JOHN PEDROZO.....DISTRICT 1  
KATHLEEN M. CROOKHAM....DISTRICT 2  
MICHAEL G. NELSON.....DISTRICT 3  
DEIDRE F. KELSEY....DISTRICT 4  
CHAIRMAN JERRY O'BANION.....DISTRICT 5  
Lydia A. Beiswanger, Chief Clerk

DEMITRIOS O. TATUM  
COUNTY EXECUTIVE OFFICER

RUBEN E. CASTILLO  
COUNTY COUNSEL

*All supporting documentation is available for public review in the Office of the Clerk of the Board of Supervisors located in the County Administration Building, Third Floor, 2222 "M" Street, Merced, California, 95340  
During regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday.  
(209) 385-7366*

### SCHEDULED ITEMS

8:00 A. M.

**CLOSED SESSION - CONFERENCE WITH 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, Commerce, Aviation and Economic Development Director pursuant to Section 54956.8 as follows: Castle Property (Two)

**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: Marcus Aue and Jason Haugen, v. County of Merced, Case No. 148183

**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 8:00 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)

**PRESENTATION** - Recognition of Leon Martinez

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) Health-\$7,600 and Sheriff-\$10,000

**APPROVED AS RECOMMENDED AYES: ALL**

**GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)**

**REVIEW BOARD ORDER – SEE PAGE 8**

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items #1 - 11)

**APPROVED AS RECOMMENDED AYES: ALL**

10:30 A. M.

**COUNSEL - PROPOSED ORDINANCE - SECOND READING AND POSSIBLE ADOPTION**

An Ordinance Adopting the Merced County Code (Adds Chapter 1.01)

**REVIEW BOARD ORDER – SEE PAGE 8**

**PUBLIC WORKS - PUBLIC HEARING**

To consider a Mitigated Negative Declaration proposed for a new Merced County Fire Station No. 82 which would be located on the Southwest corner of State Highway 140 and Gurr Road in Merced County

**REVIEW BOARD ORDER – SEE PAGE 8**

10:30 A. M.

**PUBLIC WORKS - PUBLIC HEARING - POSSIBLE ADOPTION**

An Ordinance entitled the Facility Use Policy, Facility Rental Rates, Vehicle Entrance Fees, Parking Fees, and Special Event Fees for County Parks (Amends Ordinance No. 1701, 1573, 1470 and 1442)

**REVIEW BOARD ORDER – SEE PAGE 9**

**REPORTS/BOARD DIRECTION**

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

**LUNCH BREAK**

CONSENT CALENDAR (Items #1 - 11)

**APPROVED AS RECOMMENDED AYES: ALL**

Public Works

1. Adopt Resolution designating the intersection of Villa Cordoba Avenue and American Avenue, as part of Villa Cordoba Unit No. 1 Subdivision, as a Stop Intersection and authorize the installation of a Stop Sign on the Villa Cordoba Avenue approach to the intersection located in Hilmar.

**ADOPTED RESOLUTION NO. 2005-04**

2. Adopt Resolution accepting a Deed from Darren Driscoll and Jenifer Driscoll for additional road right-of-way and public utility easement purposes associated with Building Permit Application No. 20042093.

**ADOPTED RESOLUTION NO. 2005-05**

3. Adopt Resolution prohibiting the stopping of vehicles on Lake Road, from Bellevue Road for a distance of 1/8 mile northerly in the Merced area and authorize installation and maintenance of “No Parking Any Time” signs along said road.

**ADOPTED RESOLUTION NO. 2005-06**

Probation

4. Approve and authorize Chairman to sign Renewal Contract No. 2004238 with Merced Union High School District to place three deputy probation officers on various high school campuses in connection with Giving Responsibility to Adolescents to Develop Success (GRADS) Program.

Mental Health

5. Approve and authorize Chairman to sign Renewal Contract No. 2004204 with Stanislaus Behavioral Health & Recovery Services for Children and Adolescent Inpatient Services.

Commerce, Aviation and Economic Development (CAED)

6. Approve and authorize Chairman to sign Amendment to Contract No. 2004093 with Federal Merced Associates, LLC for extension of contract through June 30, 2005 in connection with the Master Developer Cooperative Agreement.

Clerk-Registrar of Voters

7. Authorize conduct of Special Election requested by McSwain Union Elementary School District on February 8, 2005.

Fire

8. Approve and authorize Chairman to sign Renewal Contract No. 2004061 with Merced-Mariposa Chapter of the American Red Cross for storage of its disaster response trailer at the McKee Fire Station.

Ag. Commissioner

9. Approve and authorize Chairman to sign Amendment to Contract No. 2004324 with Calif. Dept. of Food and Agriculture for the Pink Bollworm Cotton Plowdown and Host Free Monitoring Program.

**ADOPTED RESOLUTION NO. 2005-07**

Executive Office

10. Act on Claims for Damages submitted by David Heredia, Jr. and Ubaldo Betancourt.

Board Recognition

11. Authorize Certificates of Recognition to Robert Carrillo First Place Award and Ryan Benitez Second Place Award in the Merced County Elementary School Spelling Bee representing the Westside Union Intermediate School, Los Banos Unified School District.
12. PULLED.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

13. Contract with Mark Thomas & Company for civil engineering design services for Campus Parkway Project – Phase 1 between Mission Avenue Interchange and Child Avenue.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005007 AYES: ALL**
14. Contract with M. Bumgarner, Inc. for the Santa Fe Drive Barrier Railing at the Highline Canal Project with the County Share of the Project in the amount of \$19,464.38.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005008 AYES: ALL**
15. Authorize rejection of all bids received for the Oakdale Road at Edendale Creek Bridge Project and authorize Staff to again pursue this project during the 2005/2006 Fiscal Year.  
**APPROVED AS RECOMMENDED AYES: ALL**
16. Authorize expenditure from Special Board Project Funds-District One in the amount of \$2,000 to be forwarded to the City of Livingston to help with the cost to re-roof the Old Court Building in Livingston.  
**APPROVED AS RECOMMENDED AYES: ALL**

## MENTAL HEALTH

17. Contract with Mental Health Services Inc. for Logan River Academy, a Residential Care Facility Level 14 for mental health services; approve Out-of-State Travel for Mental Health Staff to provide on-site case management for Youth placed out of state for approximately four additional visits for a total of \$3,476 and approve the necessary budget transfer.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005009 AYES: ALL**

## PROBATION

18. Contract with Merced County Office of Education to station a deputy probation officer at Valley Community School/Los Banos Campus.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005010 AYES: ALL**

## SHERIFF-CORONER

19. Authorize the Sheriff to apply for the 2005 Federal Drug Enforcement Agency Domestic Cannabis Eradication/Suppression Grant.

**REVIEW BOARD ORDER – SEE PAGE 9**

## HEALTH

20. Adopt Resolution authorizing submission of Waste Tire Enforcement Grant for 2004-2005 in the amount of \$92,607 for the Waste Tire Program.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005001 AND ADOPTED RESOLUTION NO. 2005-08 AYES: ALL**

## DEPT. OF WORKFORCE INVESTMENT

21. Authorize application to the Employment Development Department Solicitation for Proposal for Proposal Funds concerning Industries with a Statewide Need-Nurses and Other Health Related Industries in the amount of \$738,242 for employment and training services and authorize the DWI Director to return if awarded.

**APPROVED AS RECOMMENDED AYES: ALL**

22. Authorize application to Employment Development Department's Veterans' Employment-Related Assistance Program Grant Fund to provide employment and training services to Merced County Veterans and authorize DWI Director to return if awarded.

**APPROVED AS RECOMMENDED AYES: ALL**

## COMMERCE, AVIATION & ECONOMIC DEVELOPMENT (CAED)

23. Approve the Foreign Trade Zone No. 226 Tariff Schedule Adjustments.

**ADOPTED RESOLUTION NO. 2005-09 AS RECOMMENDED AYES: ALL**

24. Adopt Resolution approving the withdrawal of 23.12 acres from Foreign Trade Zone No. 226 Site 10A (City of Fresno); Site 10B (City of Clovis) and Site 12 (City of Selma) as recommended by the Central San Joaquin Valley Regional Foreign-Trade Zone Advisory Board to the U.S. FTZB declaring surplus property of 23.12 acres

**ADOPTED RESOLUTION NO. 2005-10 AS RECOMMENDED AYES: ALL**

25. Approve the 2003-2004 Foreign-Trade Zone No. 226 Annual Report for Period of October 1, 2003 through September 30, 2004 and authorize submission to the U.S. Foreign-Trade Zones Board.

**APPROVED AS RECOMMENDED AYES: ALL**

HUMAN SERVICES AGENCY

26. Amendment to Contract No. 2004211 with Calif. Dept. of Aging for Multipurpose Senior Services Program (MSSP) and approve the necessary budget transfer in the amount of \$107,351. (4/5 Vote Required)

**APPROVED AS RECOMMENDED AYES: ALL**

27. Authorize Grant with U.S. Office of Justice Programs-Violence Against Women Grant Office-Grant to Encourage Arrest Policies for domestic violence offenders in the amount of \$400,000 to provide collaborative work on domestic violence issues throughout Merced County and hire one Victim Witness Advocate and pay 1/4 of the cost of a Sheriff Deputy and Staff Services Analyst understanding if awarded, contract will come back to the Board for final approval.

**APPROVED AS RECOMMENDED AYES: ALL**

EXECUTIVE OFFICE

28. Approve Legislative Agenda 2005 with any revisions as recommended and direct Staff to forward Legislative Agenda 2005 to Merced County's legislative representatives and advocates.

**REVIEW BOARD ORDER – SEE PAGE 10**

BOARD OF SUPERVISORS

29. Board Committee Assignments - 2005.

**REVIEW BOARD ORDER – SEE PAGE 10 AND 11**

30. Local Agency Formation Commission - Vacancy Posted.

**REVIEW BOARD ORDER – SEE PAGE 12**

BOARD APPOINTMENTS

31. Winton Cemetery District - District Four.

**REAPPOINTED JOHN HULTGREN TO SERVE AS A MEMBER OF THE WINTON CEMETERY DISTRICT UNTIL FEBRUARY 18, 2008 AYES: ALL**

32. Mosquito Abatement District - Appointment.

**REAPPOINTED DR. FRED ERICKSON TO SERVE AS A MEMBER OF THE MERCED COUNTY MOSQUITO ABATEMENT DISTRICT REPRESENTING COUNTY WESTERN RURAL UNTIL DECEMBER 31, 2005 AYES: ALL**

BOARD INFORMATION & POSSIBLE ACTION

**ACCEPTED AND PLACED ON FILE AYES: ALL**

33. Public Works re: New Multi-Year Water Transfer Agreement with San Luis Water District.
34. U.S. Fish and Wildlife Service re: Comment Period Re-Opened for Some Vernal Pool Ecosystems of California and Southern Oregon.
35. State Office of Historic Preservation re: Bank of Italy 501 W. Main Street, Merced, National Register of Historic Places placement and placement on the California Register of Historical Resources.

**ADJOURNED MEETING IN MEMORY OF DON BRANDT AND BOB MONTGOMERY UNTIL TUESDAY, JANUARY 25, 2005 AT 10:00 A.M.**

**BOARD ORDERS – SUMMARY ACTION MINUTES – JANUARY 11, 2005**

**10:00 A. M. ADDED AGENDA ITEM**

**2005-01-11 BOARD OF SUPERVISORS - CLOSED SESSION**

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board finds a need arose, subsequent to the posting of the agenda, to consider a Closed Session and places the matter on the Agenda in accordance with Government Code Section 54950 Compliance for Board consideration as follows:

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

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

**10:30 A.M. SCHEDULED ITEM**

**2005-01-11 COUNTY COUNSEL – PUBLIC HEARING – ORDINANCE NO. 1743 ADOPTED**

The time and date previously set for a public hearing to consider Proposed Ordinance, An Ordinance to adopt the Merced County Code as submitted by County Counsel.

Upon motion of Supervisor Crookham, seconded by Supervisor Nelson, duly carried, the Board waives further reading of proposed ordinance entitled "An Ordinance to Adopt the Merced County Code" (Adds Chapter 1.01 to the County Code).

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

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

Upon motion of Supervisor Crookham, seconded by Supervisor Nelson, duly carried, the Board adopts Ordinance No. 1743.

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

**10:30 A.M. SCHEDULED ITEM**

**2005-01-11 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously set for a public hearing to consider the Mitigated Negative Declaration for the proposed new Merced County Fire Station No. 82 located at State Highway 140 and Gurr Road as submitted by Public Works.

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

Public Works Director Paul Fillebrown reviews the Staff Report and recommendation.

Upon motion of Supervisor Nelson, seconded by Supervisor Crookham, duly carried, the Board adopts the Mitigated Negative Declaration for the proposed new Merced County Fire Station No. 82 which would be located at State Highway 140 and Gurr Road.

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

**10:30 A.M. SCHEDULED ITEM**

**2005-01-11 PUBLIC WORKS – PUBLIC HEARING – ORDINANCE NO. 1744 ADOPTED**

The time and date previously set for a public hearing to consider Proposed Ordinance entitled Facility Use Policy, Facility Rental Rates, Vehicle Entrance Fees, Parking Fees, and Special Event Fees for County Parks as submitted by Public Works.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading of the ordinance entitled, An Ordinance entitled the Facility Use Policy, Facility Rental Rates, Vehicle Entrance Fees, Parking Fees and Special Event Fees for County Parks (Amends Ordinance Nos. 1701, 1573, 1470 and 1442).

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

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

Upon motion of Supervisor Crookham, seconded by Supervisor Nelson, duly carried, the Board adopts Ordinance No. 1744.

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

**ACTION ITEM NO. 19**

**2005-01-11 SHERIFF-CORONER**

Supervisor Pedrozo moves, seconded by Supervisor Crookham, the Board authorize the Sheriff to apply for the 2005 Federal Drug Enforcement Agency Domestic Cannabis Eradication/Suppression grant.

Dustin Costa appears and requests an exemption written into the grant for medical marijuana.

Undersheriff Bill Blake advises the Grant is prepared by the Federal Government.

Harry Hose states Merced County should make sure it does not state "all marijuana" and it should show medicinal marijuana exempt.

Following discussion, the Chairman calls for a vote for the Motion on the Floor.

Motion carries.

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey



**ACTION ITEM NO. 28**

**2005-01-11 EXECUTIVE OFFICE**

Executive Officer Demitrios Tatum reviews the Staff Report summarizing the draft Legislative Agenda for 2005.

The Board discusses the Transportation Funding-negotiation of terms of highway relinquishments from the State and Proposition 10 amendments.

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor Kelsey, duly carried, the Board approves the Legislative Agenda 2005 with revisions as recommended and directs Staff to forward the Legislative Agenda 2005 to Merced County's legislative representatives and advocates.

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

**ACTION ITEM NO. 29**

**2005-01-11 BOARD OF SUPERVISORS**

The Clerk reads the item before the Board for consideration: Board Committee Assignments for 2005.

The Board discusses representation on the Mental Health Advisory Board, Dairy Committee and Revenue Sharing meetings.

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board adopts the Board Assignments for 2005 as follows:

<b><u>COMMITTEE/BOARD</u></b>	<b><u>REGULAR MEMBER</u></b>	<b><u>ALTERNATE MEMBER</u></b>
Area Agency on Aging Advisory Council	Pedrozo	Nelson
At Risk Youth and Families	Nelson	O'Banion
BEO Revolving Loan Fund	Crookham	Nelson
City/County Revenue Sharing Committee (Chair and District Supervisor)	O'Banion/ District Supervisor	
CSAC (Calif. Supervisors Assn. of Counties)	Nelson	Pedrozo
Dairy Committee	Kelsey	Pedrozo
Emergency Medical Care Committee	O'Banion	None
Foreign Trade Zone (FTZ)	Nelson	Pedrozo
General Plan Steering Committee (include General Plan Update and Agricultural Conservation discussions)	Nelson/ Kelsey	Pedrozo

High Speed Rail Commission	Pedrozo	Crookham
Historical Recognition Advisory Committee	Kelsey	O'Banion
Library Advisory Commission	Crookham	Kelsey
Mental Health Advisory Board	Crookham	Kelsey
Merced County Agricultural Preservation Committee	Combined with General Plan Steering Committee	
Merced County Children's and Families First Commission (Prop 10)	O'Banion	None
Merced County Economic Development Corp.	Crookham	Kelsey
Public Safety (Fire & Law Enforcement)	Nelson/Pedrozo	Kelsey
National Assn. of Counties (NACo)	Nelson	Pedrozo
Regional Council of Rural Counties (RCRC)	O'Banion	All Board
San Joaquin River Task Force	O'Banion/ Chris White	Kelsey
San Joaquin Valley Rail Committee	Pedrozo	Crookham
San Joaquin Valley Regional Assn. of Calif. Counties (SJVRACC)-Executive Comm.	Crookham	O'Banion
San Joaquin Valley Unified Air Pollution Control Board	Nelson	Kelsey
San Joaquin Valley Water Coalition	Kelsey	Crookham
School Relations Committee	Nelson/Crookham	Pedrozo
Sesquicentennial Committee	Kelsey	Pedrozo
Solid Waste Independent Hearing Panel	Pedrozo	Nelson
Underground Utility District Review Comm.	Crookham	Nelson
YARTS (Yosemite Area Regional Regional Transportation Strategy)	Nelson	Pedrozo
99 Corridor Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey, O'Banion	Crookham	Pedrozo

**ACTION ITEM NO. 30**

**2005-01-11 BOARD OF SUPERVISORS – LAFCO**

The Clerk reads the item before the Board for consideration: Local Agency Formation Commission (LAFCo) - Vacancy Posted.

Supervisor Kelsey states she has served as the Alternate for LAFCO and would like to be appointed the Regular Member.

Following discussion, Supervisor Nelson states he is interested in serving as a member.

Supervisor O'Banion moves, to appoint Supervisor Nelson to serve as a Regular Member on LAFCo filling the vacancy of outgoing Board Member Gloria Cortez Keene.

Motion dies for lack of a second.

Present: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

Following further discussion, Supervisor Kelsey moves, seconded by Supervisor Pedrozo, to appoint Supervisor Kelsey to serve as the Regular Member on LAFCO and appoints Supervisor Nelson to serve as the Alternate Member.

The Chairman calls for the Vote on the Motion on the Floor.

Supervisor O'Banion votes "no". Motion carries.

Ayes: Pedrozo, Crookham, Nelson, Kelsey

Noes: O'Banion