



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, FEBRUARY 22, 2005

Closed Session – 9:30 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

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

9:30 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

**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 9:30 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED THERE WERE NO REPORTABLE ITEM**

**GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA 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 11**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required)** General Services-\$22,000; Treasurer-\$130,000 and 2,890; EO-Insurance-\$375,890; Sheriff-\$19,687; and Health-\$3,500

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 14)**

**APPROVED AS RECOMMENDED AYES: ALL**

10:30 A. M.

**CLOSED SESSION:** It is the intention of the Board to meet in Closed Session pursuant to Subdivision (e) of Section 54957:

**PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE**

Title: Deputy Sheriff

**APPEAL** - Review of Merced County External Hearing Officer Decision relative to the Personnel Appeal - Merced County Sheriff's Department

**REVIEW BOARD ORDER – SEE PAGE 11**

**PLANNING AND COMMUNITY DEVELOPMENT - PUBLIC HEARING**

To consider an Appeal of the Planning Commission Action Revoking Conditional Use Permit No. 2794 - Joseph Amarant. To consider Revocation of Conditional Use Permit No. 2794 for a propane service and distribution facility due to failure to comply with previous conditions of approval on property located on the north side of Clover Avenue, approximately 600 feet east of Buhach Road in the Atwater area

**REVIEW BOARD ORDER – SEE PAGES 11 AND 12**

**PUBLIC WORKS - PUBLIC HEARING**

To consider Proposed Ordinance creating a Regional Transportation Impact Fee (RTIF) and the associated Capital Improvement Plan and consider an Implementation Agreement with the Six Cities within Merced County authorizing Merced County Association of Governments (MCAG) to administer

the RTIF Program

**REVIEW BOARD ORDER – SEE PAGES 12 THRU 14**

**REPORTS/BOARD DIRECTION**

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

**LUNCH BREAK**

CONSENT CALENDAR (Items #1 - 14)

**APPROVED AS RECOMMENDED AYES: ALL**

Treasurer-Tax Collector

1. Grant the County Treasurer relief of shortages in the amount of \$220 and authorize replenishment.

Executive Office

2. Approve Budget Transfers for Human Services Agency-\$80,000 and Board of Supervisors/CEO-\$42,582 as recommended by Executive Office.
3. Act on Claims for Damages submitted by Jesus Rivera (2005-11), Lucio Castro (2005-12), Roque Castro (2005-13), Roberto Gonzales (2005-09), AMCO Insurance Co as Subrogee of Manual Rosa (2004-125), Ofelia Zapien (2005-10), Maela Garcia (2005-06) and Patty Stanfill (2005-07) as recommended by Executive Office.
4. Approve and authorize Chairman to sign Amendment to Contract No. 2001254 with Dr. Phillip Hamm for pre-employment/fitness for duty psychological examinations for safety employees.
5. Approve Travel Requests submitted by Children and Families First Commission-Prop 10 (3) as recommended by Executive Office.

Mental Health

6. Approve and authorize Chairman to sign Renewal Contract No. 2003155 with Devereux-Southern California as an Organizational Provider of Mental Health Services.

Human Services Agency

7. Approve and authorize Chairman to sign Amendment to Contract No. 2002123 with Merced College for Learning Disabilities Evaluations to CalWORKs Employment and Training participants.
8. Proclaim March, 2005 as Social Worker Appreciation Month in the County of Merced.

Sheriff

9. Approve and authorize Chairman to sign Renewal Contract No. 2000166 with Mariposa County for Refrigeration and a space for Autopsies for the deceased.
10. Approve and authorize Chairman to sign Renewal Contract No. 2002198 with John-Pierre Mendoza lease agreement for Sheriff's Department Detective Unit.

Merced County Spring Fair

11. Approve and authorize Chairman to sign Renewal Contract No. 200242 with Speeda Sound for provision of sound services for the May Day Fair.

#### Board Recognition

12. Proclaim the week of January 30 - February 5, 2005 as "Catholic Schools Week" in Merced County.
13. Authorize Certificates of Recognition to various individuals for selection by the Merced/Mariposa FFA Project Competition Committee for outstanding entrepreneurship and work experience projects in the County of Merced.  
**REVIEW BOARD ORDER – SEE PAGES 14 AND 15**
14. Authorize Certificate of Recognition to Millie Bouknight in honor of service as President of the Filipino American Association of Merced County.

#### REGULAR CALENDAR

#### BOARD ACTION

#### PUBLIC WORKS

15. Authorize circulation of Request for Proposal (RFP) for Architectural firms to provide phased design services for an additional Human Services Agency Building and authorize Public Works to review and rank proposals with contract to be submitted to the Board for final approval.  
**APPROVED AS RECOMMENDED AYES: ALL**
16. Authorize declaration of 108' x 28' Metal Building located on County Property at the Gustine Maintenance Yard as Surplus Property and direct Staff to proceed with the disposal through a Sealed Bid Process in accordance with published Notice of Intent. (4/5 Vote Required)  
**APPROVED AS RECOMMENDED AYES: ALL**

#### MENTAL HEALTH

17. Contract Amendment with Merced Drug for provision of pharmacy services to clients of mental health and approve the necessary budget transfer-\$225,000. (4/5 Vote Required)  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000207 AYES: ALL**

#### HUMAN SERVICES AGENCY

18. Authorize the Human Services Agency Director to sign Letter to State Dept. of Social Services-Food Stamp Branch for Food Stamp Waiver for Able Bodied Adults without Dependents.  
**APPROVED AS RECOMMENDED AYES: ALL**
19. Contract with Comcast Spotlight for Airtime Advertising Services for the re-release of the Culinary Training Elderly Nutrition (CTEN) Request for Proposal in the amount of \$14,999.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005034 AYES: ALL**
20. Contract with Catholic Charities of the Diocese of Fresno for the Senior Companion Program to provide volunteer community service opportunities to low-income older individuals for the benefit of the adults who need assistance in their daily living.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005035 AYES: ALL**

DEPT. OF WORKFORCE INVESTMENT

21. Authorize solicitation of Request for Proposal to provide basic education services to adults and dislocated workers with Staff to return to the Board for final contract approval, total combined cost of awarded contracts not to exceed \$83,000.

**APPROVED AS RECOMMENDED AYES: ALL**

FIRE

22. Authorize Grant Application submission to Office of Traffic Safety for Technical Rescue Improvement Program in the amount of \$5,693.26 to assist in purchasing rope rescue equipment and training to personnel.

**APPROVED AS RECOMMENDED AYES: ALL**

23. Authorize abandonment of approved Request for Proposal (RFP) 5960 seeking a consultant to design and conduct a countywide Weapons of Mass Destruction Exercise and authorize negotiation of contract with California Specialized Training Institute (CSTI) to be returned to the Board for final approval.

**APPROVED AS RECOMMENDED AYES: ALL**

24. Authorize Grant Application submission to the California Office of Homeland Security for FY 2005 which includes three grants: Homeland Security Grant, Emergency Management Performance Grant and Law Enforcement Terrorism Prevention Grant.

**APPROVED AS RECOMMENDED AYES: ALL**

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

25. Authorize Commerce, Aviation and Economic Development to issue a Conditional Can and Will Serve Letter to the Director of Planning for water service at Castle Airport to the Riverside Motorsports Park.

**REVIEW BOARD ORDER – SEE PAGE 16**

COUNTY COUNSEL

26. Accept Gift from Fisher Research Laboratory of one walk-through metal detector for use within the County of Merced as the Board directs.

**REVIEW BOARD ORDER – SEE PAGE 17**

EXECUTIVE OFFICE

27. Contracts for Indigent Conflict Defense Services with Michael Fagalde, Ralph Temple, Carlos Fuentes and Robert Chase.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NOS. 2005029-ROBERT CHASE, 2005030-MICHAEL FAGALDE, 2005031-CARLOS FUENTES AND 2005032-RALPH TEMPLE AYES: 1, 3, 4, 5 NOES: 2**

28. Requests for Bilingual Designations and Extra Help Positions as recommended by Executive Office-Human Resources:

**Human Resources, BU 13000**

1. Change the bi-lingual allocations from one to two to staff the kiosk on the Main Floor.

**Registrar of Voters, BU 14000**

2. Allocate one bilingual designation to serve bilingual customers.

**Sheriff, BU 23000**

3. Allocate the classification of Extra Help Sheriffs Security Attendant, Class #0706 (\$10.70/hr) to provide security in Court Lobby.

**Agricultural Commissioner, BU 27000**

4. Adjust the salary of the Extra Help Agricultural Technician from \$10.75 to \$13.25/hour to recruit qualified staff for seasonal usage.

**Dept. of Workforce Investment, BU 55000**

5. Allocate aligned classification of Extra Help Support Services Analyst I, Class #0703 (\$16.68/hr) to provide flexibility of departmental operations.

6. Allocate aligned classification of Extra Help Account Clerk III, Class #0214 (\$12.26/hr) to provide flexibility of departmental operations.

**Public Works-Parks, BU 70200**

7. Adjust the salary of Extra Help Park Maintenance Aide from \$6.75 to \$7.83/hour based on survey of cities, surrounding counties and internal alignment.

**Resolution**

8. Adopt the amending Resolutions to Salary and Position Allocation Resolutions.

**ADOPTED RESOLUTION NO. 2005-22 AS RECOMMENDED AYES: 1, 3, 4, 5**

**NOES: 2**

29. Minor Classification Specification Language Actions as part of the Mid-Year Personnel process for FY 2004-2005 as recommended by Executive Office-Human Resources:

**Tax Collector**

1. Change the title of the Treasurer/Tax Collector Administrative Services Manager to Chief Deputy Tax Collector and adopt the modified job specification to reflect industry standards.

2. Change the title of the Extra Help Cashier to Extra Help Tax Clerk and adopt the modified job specification to reflect departmental duties.

**Commerce, Aviation & Economic Development**

3. Change the title of the Business-Economic Opportunities Director to Director of Commerce, Aviation and Economic Development, and adopt the modified job specification to reflect department title.

4. Change the title of the Business-Economic Opportunities Assistant Director to Assistant Director of Commerce, Aviation & Economic Development, and adopt the modified job specification to reflect department title.

**District Attorney**

5. Adopt the amended job specifications and title changes of Welfare Investigator I, II, III to Welfare Fraud Investigator I, II, III, and from Supervising Welfare Investigator to Supervising Welfare Fraud Investigator to reflect department and industry change.

**Agricultural Commissioner**

6. Adopt the amended job specification and title change of the Kennel Attendant to Animal Care Specialist to reflect industry changes.

**Mental Health**

7. Change the title of Alcohol & Drug Service Worker to Alcohol & Drug Services Intern and adopt the amended job specifications for Alcohol & Drug Counselor, Alcohol & Drug Services Intern, and Dual Diagnosis Specialist to reflect Mental Health Initiative Prop 63 changes.

**Sheriff**

8. Adopt the amended job specification for the Correctional Facility Cook, addition of background requirement.

9. Adopt the amended job specification for the Correctional Officer I and II, addition of background requirement.

**Public Works**

10. Adopt the amended job specifications for Engineering Technician II and Engineering Technician III, modify minimum qualifications for recruitment purposes.

**Public Health**

11. Adopt the amended job specification of California Children's Service Worker II, modify minimum qualifications for recruitment purposes.

12. Adopt the amended job specification for Licensed Vocation Nurse, modify minimum qualifications for recruitment purposes.

**Dept of Workforce Investment**

13. Adopt the amended job specifications for Employment & Training Specialist I and II to reflect department title change.

**Resolution**

14. Approve the amending resolution to the Salary Resolution.

**ADOPTED RESOLUTION NO. 2005-23 AS RECOMMENDED AYES: 1, 3, 4, 5**

**NOES: 2**

30. FY 2004-05 General Fund/Subvented Personnel Actions:

**Revenue & Reimbursement, BU 11100, 100% Revenue supported**

1. Establish the classification of Collections Clerk I, II, and III, Classes #7718/7719/7720, Ranges 50.5/52.5/55.5 and convert Account Clerk I/II, (Ranges 50.5/52.5) Positions 3, 8, 12, 20, and 23, and Account Clerk III, Range 55.5, Position 22, to Collections Clerk I/II/III Flexible Classification to reflect departmental duties.

2. Establish the classification of Collection Agent III, Class #7724, Range 60.5, and convert the Collection Agent I/II positions to Collection Agent I/II/III flexible classifications.

3. Add one Supervising Accounting Technician, Class #1011, Range 62.4.

**Assessor, BU 11200, 3 Positions (#25, 26, 27) 100% General Fund supported, BU 11201, 2 positions (#3, 6) 100% Grant supported, Change result of union negotiations**

4. Adjust the salary range of the classification of Auditor-Appraiser II, Class #1461, from Range 64.9 to Range 65.9.

5. Adjust the salary range of the classification of Auditor-Appraiser III, Class #1462, from Range 66.9 to Range 68.9.

6. Adjust the salary range of the classification of Supervising Auditor- Appraiser, Class #1464, from Range 69.9 to Range 70.9.

**Human Resources, BU 13000, 100% General Fund supported**

7. Add one Typist Clerk I/II, Classes #2210/2211, Ranges 49.8/51.8 to staff kiosk on the main floor.

**Registrar of Voters, BU 14000, 100% Revenue supported**

8. Change one Variable Shift, (V\S) Election Clerk I/II, Position #2, Classes #7391/7392, Range 50.8/52.8 to one Full Time (F/T) Election Clerk I/II.

9. Convert the Election Clerk I/II flexible classification, Positions 1, 2 and Elections Clerk III, Position 9, to an Election Clerk I/II/III flexible classification.

10. Add one Elections Clerk I/II/III position, Classes #7391/7392/1420, Range 50.8/52.8/54.6.

**U.C. Merced Development Office, BU 18400, Reduction to General Fund**

11. Re-title the U.C. Planning Director (Pos 2) to Special Programs Director, Class

Code 7707, Range 81.2, adopt the job specification, delete U.C Planning Director classification, Range 82.2, and Position 2 and transfer the incumbent to Budget Unit 19900.

**Public Works, BU 27400, 100% General Fund supported**

12. Add one Deputy County Surveyor designee, Class # 7714, Range 75.5.

**Child Support Services, BU 20100, Non-General Fund**

13. Delete a vacant Supervising Child Support Specialist, Class#7050, Position #41, Range 63.0.

14. Add an additional Child Support Secretary III, Class #7673, Range 62.2.

15. Change one Office Assistant I/II, Classes #1083/1084, Range 49.8/51.8, Position #88, from Variable Shift to Full Time.

16. Overhire two Child Support Assistant I/II, Positions 45 and 68, and one Staff Services Analyst I/II, Position 82, for a period of no more than six months, or until the incumbents return to work, whichever comes first.

**Sheriff, BU 22100, Result of Union negotiations, No additional costs**

17. Establish the classifications and adopt the flexible staffing of Deputy Sheriff/Coroner I/II, Class #7715/7716, Range 63.9/65.8 and adopt the modified job specifications of Deputy Sheriff I and II.

**Recorder, BU 28000, 100% Revenue Supported**

18. Establish the classifications of Recorder Clerk I, II, and III, Classes #7721/7722/7723, Ranges 53.9/55.9/57.9, and convert Positions 2, 3, 4, 5, 6 and 10 from Legal Clerk I/II and Legal Clerk III, Ranges 53.9/55.9/57.9 to Recorder Clerk I/II/III to reflect departmental duties.

19. Add one Supervising Accounting Technician, Class #1011, Range 62.4.

20. Add one Typist Clerk I/II, Classes #2210/2211, Ranges 49.8/51.8.

**Public Health, BU 40010, 4 Positions 100% Revenue supported. 1 Position 100% General Fund supported**

21. Add one Community Health Specialist, Class #2279, Range 58.0.

22. Add one Nutritionist, Class #6025, Range 67.8.

23. Add one Support Services Analyst I/I, Classes #1213/1214, Ranges 61.8/63.8.

24. Add one Supervising Public Health Nurse, Class #5990, Range 71.9.

25. Add one Vital Statistics Clerk, Class #7379, Range 54.5 (General Fund).

26. Add one Health Education Administrator, Class#7508, Range 70.0.

**Children's and Families Commission, BU 40600, 100% Revenue supported**

27. Add one Variable Shift Support Services Analyst I/II, Class # 1213/1214, Range 61.8/63.8.

**Mental Health, BU 41501, 100% Revenue supported**

28. Add one Typist Clerk III, Class #2213, Range 54.8.

29. Adjust the salary of the Medical Records Supervisor, Class 5724 to Range 66.3.

30. Add one At-Will Staff Psychiatrist position, Class #7665/0832, add two Psychiatric Staff Nurse I/II positions, Class # 7482/6484, Range 67.1/69.4, adopt the classification of Psychiatric Nurse Practitioner, Class #7713, Range 75.9, and add two (2) positions to meet Proposition 63 requirements. These requested positions will not be filled until July 1, 2005.

**Human Services Agency, BU 50012, 14 positions 100% Revenue supported and 5 positions 85% Revenue supported**

31. Delete one vacant C-IV Business Manager, Class #7621, Position 571, Range 70.9; one vacant C-IV Trainer, Class #7617, Position 577, Range 65.2 in BU 50012; and



three vacant Employment and Training Workers I/II, Classes #4452/4453, Positions 487, 489, and 490, Range 57.8/ 59.8 in BU 50050.

32. Add one Employment and Training Worker III, Class #4454, Salary Range 61.8; one Family Services Supervisor, Class #7702, Range 63.7 and one Program Manager, Class #7701, Range 70.9 in BU 50050.

33. Add eight Family Services Representatives I/II, Classes #1274/1275, Range 56.8/58.8, one Family Services Representative III, Class #1276, Range 60.8, one Family Services Supervisor, Class #7702, Range 63.7 in BU 50053.

34. Add one Supervising Social Worker II, Class #7001, Range 68.9 (85% subvented) and one Family Services Representative I/II, Classes #1274/1275, Ranges 56.8/58.8 in BU 50056.

35. Add four Social Workers III, Class #6972, Range 62.3 (85% subvented) in BU 50058,

**Dept of Workforce Investment, BU 55000, 100% Revenue Supported**

36. Delete one vacant Program Manager-PITD (Pos 041), Class # 4449, Range 68.9, and add one Staff Services Analyst I/II, Class #1050/1040, Range 61.8/66.2.

37. Change one Employment & Training Analyst I/II (Pos 079), Class # 4450/4451, Range 59.4/62.4 to one Staff Services Analyst I/II, Classes #1050/1040, Range 61.8/66.2.

38. Delete one vacant Supervising Employment & Training Specialist (Pos 027), Class #1119, Range 63.7, and add one Employment & Training Specialist I/II, Class #4432/4433, Range 58.8/61.3.

**Public Works-Fleet, BU 75500, Non-General Fund**

39. Change one Variable Shift Typist Clerk I/II (Pos 004) to one (1) Variable Shift Typist Clerk III.

**Resolutions**

40. Approve the amending resolutions to Salary and Position Allocation Resolutions.  
**REVIEW BOARD ORDER – SEE PAGES 17 THROUGH 19**

**BOARD OF SUPERVISORS**

31. District Four - Grant Application to the Merced County Children and Families Commission for Funds to conduct a Feasibility Study of childcare needs in Delhi.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005033 AYES: ALL**

**BOARD APPOINTMENTS**

32. May Day Fair Board - District Five and Planada Municipal Advisory Council – District One.

**REVIEW BOARD ORDER – SEE PAGE 20**

33. Deferred Compensation Standing Committee – Appointments.

**REVIEW BOARD ORDER – SEE PAGE 20**

**CLERK-Registrar of Voters**

34. Certify the Election Results for the Special Election held in the McSwain School District on February 8, 2005.

**APPROVED AS RECOMMENDED AYES: ALL**

BOARD INFORMATION & POSSIBLE ACTION

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

35. Commerce, Aviation & Economic Development re: Comcast Update information on changes in programming and pricing effective March 1, 2005.
36. City of Merced re: Statement of Preparation of Amended Redevelopment Plan for Merced Gateways Redevelopment Project. (On file with Clerk)
37. Los Banos Unified School District re: Letter advising of proposal to levy a special tax on the property located within the boundaries of the City to the School District's Community Facilities District No. 1, and copy of the Board of Trustees Resolution No. 1-05 entitled "A Resolution of consideration of the Board of Trustees of the Los Banos Unified School District Adopted on Behalf of the District's Community Facilities District No. 1, Making Certain Findings and Establishing a Public Hearing.
38. San Joaquin River Group re: 2004 Annual Technical Report on Implementing and Monitoring of the San Joaquin River Agreement and the Vernalis Adaptive Management Program. (On file with Clerk)
39. Calif. Narcotic Officers' Association re: Alert of a recent change in California law that could dramatically increase the risk of civil liability exposure to a city or county, SB 1159.
40. U.S. Fish and Wildlife Service re: Announcement of Workshops on Protecting Vernal Pool Species, California Tiger Salamander and California Red-Legged Frog. (On file with Clerk)
41. Governor's Office of Emergency Services re: Notice - U.S. Dept of Agriculture has granted a Secretarial disaster designation due to agricultural losses caused by drought that occurred January 1, 2004 and advises the contiguous counties are eligible.
42. State Wildlife Conservation Board re: Wildlife Conservation Board - Minutes of August 12, 2004. (On file with Clerk)
43. State Wildlife Conservation Board re: Wildlife Conservation Board Minutes of November 18, 2004. (On file with Clerk)

**ADJOURNED UNTIL TUESDAY, MARCH 15, 2005 AT 10:00 A.M.**

## BOARD ORDERS – SUMMARY ACTION MINUTES – FEBRUARY 22, 2005

### **10:00 A. M. SCHEDULED ITEM**

#### **2005-02-22 PUBLIC OPPORTUNITY**

The following speak at Public Opportunity: Bryant Owens on Community Action Board, Community Action Agency and Claims for Damages; Attorney Cappy Myers on the Dan Gover issue; Kathleen Lopez on Claims for Damages filed and David Corser on Housing Authority permit processing.

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

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

#### **2005-02-22 CLOSED SESSION - APPEAL**

The Chairman states the matter before the Board is to consider and review the Merced County External Hearing Officer Decision relative to the Personnel Appeal concerning an employee in the Merced County Sheriff's Department. The Chairman advises the Members of this Board have received the Administrative Record in this matter and will recess into Closed Session at 1:40 p.m. for purposes of discussion and determination of its decision.

The Chairman states the attorney for the employee has been advised of this time and date of the scheduled appeal and that he submit any oral or written comment on the administrative record be prior to the Board recessing into Closed Session.

He further states the Board is not conducting an evidentiary hearing either in open or closed session, but will only consider and base its decision and findings upon the transcribed Administrative Record before it, and any required corrections to the Administrative Record submitted made by either party or their attorney at the earlier Public Opportunity to Speak.

The Board reconvenes at 2:17 p.m. and the Chairman states the Board had read and reviewed the Administrative Record in this matter and also received information submitted by Attorney Cappy Myers representing the Sheriff's Department Employee.

Upon motion of Supervisor Crookham, seconded by Supervisor Kelsey, duly carried, the Board upholds the Appeal of the Sheriff's Department and directs Counsel to prepare the necessary Findings.

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

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

#### **2005-02-22 PLANNING AND COMMUNITY DEVELOPMENT – PUBLIC HEARING**

The time and date previously set for a public hearing to consider an Appeal of the Planning Commission Action Revoking Conditional Use Permit No. 2794 (Joseph Amarant) for a propane service and distribution facility due to failure to comply with previous conditions of approval on

property located on the north side of Clover Avenue, approximately 600 feet east of Buhach Road in the Atwater area submitted by Planning.

Planning Director Bill Nicholson provides the history background information on the project.

Project Planner Bob King reviews Staff Report and Powerpoint presentation.

Environmental Health Director Jeff Palsgaard advises the Powerpoint photos were taken last week when he was at the site.

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

Miller and Associates Planning Consultant Tim Miller advises he has been working with Mr. and Mrs. Amarant and County staff to resolve this issue. On behalf of the Amarants, Mr. Miller requests a 90-day extension in order to clean up the site.

Joe Amarant states he needs more time to resolve this and requests the Board grant the 90-day extension.

Bryant Owens speaks in favor of the appeal.

Following a lengthy discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board allows a 90-day extension for Conditional Use Permit No. 2794 for Joseph Amarant to allow additional time to clean up the site with milestone reports back to the Board every two weeks to be brought back to the Board for final consideration after the 90 days.

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

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

### **2005-02-22 PUBLIC WORKS – PROPOSED ORDINANCE - PUBLIC HEARING**

The time and date previously set for a public hearing to consider proposed ordinance creating a Regional Transportation Impact Fee (RTIF) and the associated Capital Improvement Plan and consider an implementation agreement with the Six Cities within Merced County authorizing Merced County Association of Governments (MCAG) to administer the RTIF Program.

The Chairman states the Board Members previously attended a Workshop regarding the RTIF.

County Counsel Ruben Castillo reads the title of the proposed ordinance: An Ordinance Establishing A Regional Transportation Impact Fee. He states there is an internal inconsistency within the ordinance regarding the effective date and suggests Page 4, Section 5.60.050 should read "shall take effect as provided by Section 5.60.150".

Upon motion of Supervisor Nelson, seconded by Supervisor Crookham, duly carried, the Board waives further reading of the proposed ordinance.

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

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

Bryant Owens speaks in opposition.

Guy Maxwell, representing the Building Industry Association, speaks in favor.

The Chairman closes the public hearing and advises the environmental documents have been prepared and Counsel has determined that no additional environmental analysis is necessary for the Board to adopt the fee.

Public Works Director Paul Fillebrown states the listed projects need public support. The other part of the sales tax measure would be divided 50/50 between the Cities and County and are earmarked for maintenance of roads. He suggests staff hold workshops in the communities to determine support of the sales tax initiative.

Mr. Brown submits a map and a document listing the major projects contained in the Regional Transportation Plan.

Supervisor Crookham requests reassurance from MCAG that there is enough flexibility within the MCAG Board to change the list should it be deemed necessary to do so in the future.

Supervisor Nelson states this is a 25-year plan and agrees flexibility within the plan is necessary. He asks if the Board does not take action at this time and if the sales tax fails on the June ballot, would the Board then proceed with the RTP at that point or would the process start all over.

Mr. Brown advises there are funds that could be substituted for sales tax and those decisions are made by the MCAG Governing Board. If the RTIF are available, and the sales tax is not approved, the MCAG Board will need to reprioritize the list. The RTIF funds can be used to augment the sales tax money but if the sales tax does not pass, the list will have to be shortened.

Supervisor Kelsey states she feels the impact fees on commercial is too high and residential is too low.

Supervisor Crookham states concern with the Board postponing this matter until such time as the sales tax is in place because the County will have lost 16 months of development in this area.

Following a lengthy discussion, Supervisor Crookham moves, seconded by Supervisor Nelson, based on CEQA Findings, the Board adopt the ordinance with the adjustment suggested by Counsel, approve and authorize the Chairman to sign an implementation agreement with each of the six cities within Merced County authorizing the Merced County Association of Governments to administer the RTIF Program upon review by Counsel with the understanding all projects are reviewed again as the process goes forward.

Supervisor Kelsey states she cannot support the motion.

The Chairman calls for a vote on the Motion.

Supervisors O'Banion, Pedrozo and Kelsey vote "no". Motion fails.

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

**CONSENT ITEM NO. 13**  
**2005-02-22 BOARD OF SUPERVISORS**

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board authorizes Certificates of Recognition to the following individuals for being honored by the Merced/Mariposa FFA Project Competition Committee:

**ATWATER**

Gold Award

Denee Choquette  
Kylie Lax  
Cody Ratley

Silver Award

Christy Copeland  
Annalysa Pimentel  
Ryan Pimentel  
Amy Wright

**BUHACH COLONY**

Gold Award

Mario Bandoni  
Sara Friesen  
Stephanie Obad  
Andrew Ray  
Loren Scoto  
Erica Voris  
Justine White

Silver Award

Cassey Gomes  
Adam Obad

**DOS PALOS**

Gold Award

Jamie Mancebo  
Shannon Vandenberg

Silver Award

Hanna Branco  
Brandon Moore  
Katesin Weathers

**GUSTINE**

Gold Award

Nathaniel Minton  
Cody Rocha  
Frankie Rebelo

Silver Award

Michael Borrelli  
Rocha Colton  
Eric Cozzitorto  
Breanne Filippini  
Rick Filippini  
Gracie Minton

**HILMAR**

Gold Award

Joseph Coleman  
David Jones  
Kari Kronberg  
Sean Locke

Silver Award

Alexis Azevedo  
Cammerom Cooper  
Dirk Piersma

Kate Rector

**LE GRAND**

Gold Award

Kim Falk  
Daniel Fishman  
David Fishman  
Aby Garcia  
Cody Jacobsen

Silver Award

Rupert Coronado  
Ally Loucks  
Richard Mayo  
Sam Silva

**LIVINGSTON**

Gold Award

Justin Koehn

**LOS BANOS**

Gold Award

Crystal Alves  
Nisa Gallichio  
Amanda Hendrickson  
Tiffany Hendrickson  
Brittany Rogers  
Robby Thommen

Silver Award

Emma Hazan  
Caitlin Raymond

**MERCED/MARIPOSA**

Gold Award

Jaret Fipps  
Courtney Forsythe  
Alex Gisler  
Jacob Gisler  
Jessica Guenthart  
Ben Mecchi  
Faris Simon  
Layne Simon

**MERCED/GOLDEN VALLEY**

Gold Award

Ashley Boyles  
Joe Raggio  
Kristin Kleiber  
Michael Kleiber  
Theresa Machado  
Allison Nunes  
Tim Sharp  
Taylor Tunnel

Silver Award

Amanda Hefner  
Ryan Lima

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

**ACTION ITEM NO. 25**

**2005-02-22 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT (CAED)**

The Clerk announces the next Item before the Board: Authorization for CAED to issue a Conditional Can and Will Serve Letter to the Director of Planning for water service at Castle Airport to the Riverside Motorsports Park.

CAED Director John Fowler reviews the Staff Report stating the Riverside Motorsports Park Corporation is requesting the County provide 69,500 gallons of water per day. He advises the Can and Will Serve letter is a step in the environmental process and the letter does not suggest in any way whether or not the Board agrees with the project overall. Mr. Fowler requests the Can and Will Serve letter be in effect for one year only and subject to renewal if necessary.

Supervisor Kelsey asks if this is the first time the County has been asked to take water from Castle and pump off-site.

Mr. Fowler confirms this is the first such request.

Supervisor Nelson states the City of Atwater previously provided a sewer and water Can and Serve letter for this project.

The Chairman asks if there is anyone from the public wishing to speak.

The following state concerns on Board approval: Bryant Owens, Tom Grave, Sally Magneson, Lisa Kaiser-Grant and Les Jacobsen, Diana Westmoreland-Pedrozo (submitted and read letter), John Grant, Annette Alsap, Lydia Miller, representing the San Joaquin Valley Rescue Center and Steve Burke of Protect Our Water (submitted and read letter).

CEO/President-Riverside Motorsports Park Michael Urich states the request is a formality created by CEQA and that the additional water is being requested to maintain water pressure and fire suppression levels. He advises there are 8 to 9 non-potable wells and one potable well presently being utilized.

Following discussion, Supervisor Nelson moves, seconded by Supervisor Crookham, the Board authorize the CAED Director to sign submit the Conditional Can and Will Serve Letter to the Merced County Planning Director for providing water services to the Riverside Motorsports Park with the understanding the letter is in effect for one year.

Supervisor Kelsey states the Can and Will Serve letter serves as a policy issue of pumping water from Castle outside the boundaries of Castle. She advises the County worked for years and spent funds for the reuse of Castle and states concern with depleting water resources before actual reuse of the base has been realized and cannot support the motion to transfer water outside of Castle.

The Chairman calls for a vote on the Motion.

Supervisor Kelsey votes "no". Motion carries.

Ayes: O'Banion, Pedrozo, Crookham, Nelson

Noes: Kelsey



**ACTION ITEM NO. 26**

**2005-02-22 COUNTY COUNSEL**

The Clerk announces the next Item before the Board: Gift from Fisher Research Laboratory of one walk-through metal detector for use within the County of Merced as the Board directs.

Former Los Banos Chief of Police Mike Hughes states he has served on an advisory committee with Merced City Police Chief, Livingston City Police Chief, Los Banos Schools Security Representative and Merced County Sheriff's Commander for the past three years. The committee provided ideas to Fisher Research Laboratory on the development of the metal detector and he displays the detector operation. He further states in exchange for Merced County Counsel allowing Bill Hunter to participate on this advisory committee, Fisher Research Laboratory is donating the detector that was developed through the assistance of the committee.

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board accepts the Gift of one walk-through Metal Detector from Fisher Research Laboratory for placement within the County as determined by the Board.

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

**ACTION ITEM NO. 30**

**2005-02-22 EXECUTIVE OFFICE**

The Clerk announces the next Item before the Board: Fiscal Year 2004-05 General Fund/Subvented Personnel Actions as recommended by Executive Office-Human Resources.

Supervisor Nelson expresses concern to fill vacant positions after employees are laid off or offered the Early Retirement Incentive.

County Executive Officer Demitrios Tatum reviews the Staff Report stating prior to recruiting for positions shown in the Staff Report, staff interviewed former employees laid off and now authorization is being requested to fill the vacant positions.

Supervisor Crookham expresses concern with supervisory positions that supervise a small number of staff and requests information on supervisory positions and the number of employees supervise. Ms. Crookham also questions positions being promoted or reclassified without possibly going through the process as everyone else.

Following discussion, Supervisor Kelsey moves, seconded by Supervisor Pedrozo, the Board authorizes the following:

**Revenue & Reimbursement, BU 11100, 100% Revenue supported**

1. Establish the classification of Collections Clerk I, II, and III, Classes #7718/7719/7720, Ranges 50.5/52.5/55.5 and convert Account Clerk I/II, (Ranges 50.5/52.5) Positions 3, 8, 12, 20, and 23, and Account Clerk III, Range 55.5, Position 22, to Collections Clerk I/II/III Flexible Classification to reflect departmental duties.
2. Establish the classification of Collection Agent III, Class #7724, Range 60.5, and convert the Collection Agent I/II positions to Collection Agent I/II/III flexible classifications.
3. Add one Supervising Accounting Technician, Class #1011, Range 62.4.

**Assessor, BU 11200, 3 Positions (#25, 26, 27) 100% General Fund supported, BU 11201, 2 positions (#3, 6) 100% Grant supported, Change result of union negotiations**

4. Adjust the salary range of the classification of Auditor-Appraiser II, Class #1461, from Range 64.9 to Range 65.9.
5. Adjust the salary range of the classification of Auditor-Appraiser III, Class #1462, from Range 66.9 to Range 68.9.
6. Adjust the salary range of the classification of Supervising Auditor- Appraiser, Class #1464, from Range 69.9 to Range 70.9.

**Human Resources, BU 13000, 100% General Fund supported**

7. Add one Typist Clerk I/II, Classes #2210/2211, Ranges 49.8/51.8 to staff kiosk on the main floor.

**Registrar of Voters, BU 14000, 100% Revenue supported**

8. Change one Variable Shift, (V\S) Election Clerk I/II, Position #2, Classes #7391/7392, Range 50.8/52.8 to one Full Time (F/T) Election Clerk I/II.
9. Convert the Election Clerk I/II flexible classification, Positions 1, 2 and Elections Clerk III, Position 9, to an Election Clerk I/II/III flexible classification.
10. Add one Elections Clerk I/II/III position, Classes #7391/7392/1420, Range 50.8/52.8/54.6.

**U.C. Merced Development Office, BU 18400, Reduction to General Fund**

11. Re-title the U.C. Planning Director (Pos 2) to Special Programs Director, Class Code 7707, Range 81.2, adopt the job specification, delete U.C Planning Director classification, Range 82.2, and Position 2, transfer the incumbent to Budget Unit 19900 and approve the necessary budget transfer.

**Public Works, BU 27400, 100% General Fund supported**

12. Add one Deputy County Surveyor designee, Class # 7714, Range 75.5.

**Child Support Services, BU 20100, Non-General Fund**

13. Delete a vacant Supervising Child Support Specialist, Class#7050, Position #41, Range 63.0.
14. Add an additional Child Support Secretary III, Class #7673, Range 62.2.
15. Change one Office Assistant I/II, Classes #1083/1084, Range 49.8/51.8, Position #88, from Variable Shift to Full Time.
16. Overhire two Child Support Assistant I/II, Positions 45 and 68, and one Staff Services Analyst I/II, Position 82, for a period of no more than six months, or until the incumbents return to work, whichever comes first.

**Sheriff, BU 22100, Result of Union negotiations, No additional costs**

17. Establish the classifications and adopt the flexible staffing of Deputy Sheriff/Coroner I/II, Class #7715/7716, Range 63.9/65.8 and adopt the modified job specifications of Deputy Sheriff I and II.

**Recorder, BU 28000, 100% Revenue Supported**

18. Establish the classifications of Recorder Clerk I, II, and III, Classes #7721/7722/7723, Ranges 53.9/55.9/57.9, and convert Positions 2, 3, 4, 5, 6 and 10 from Legal Clerk I/II and Legal Clerk III, Ranges 53.9/55.9/57.9 to Recorder Clerk I/II/III to reflect departmental duties.
19. Add one Supervising Accounting Technician, Class #1011, Range 62.4.
20. Add one Typist Clerk I/II, Classes #2210/2211, Ranges 49.8/51.8.

**Public Health, BU 40010, 4 Positions 100% Revenue supported. 1 Position 100% General Fund supported**

21. Add one Community Health Specialist, Class #2279, Range 58.0.
22. Add one Nutritionist, Class #6025, Range 67.8.
23. Add one Support Services Analyst I/I, Classes #1213/1214, Ranges 61.8/63.8.

24. Add one Supervising Public Health Nurse, Class #5990, Range 71.9.
25. Add one Vital Statistics Clerk, Class #7379, Range 54.5 (General Fund).
26. Add one Health Education Administrator, Class#7508, Range 70.0.  
Children's and Families Commission, BU 40600, 100% Revenue supported
27. Add one Variable Shift Support Services Analyst I/II, Class # 1213/1214, Range 61.8/63.8.

**Mental Health, BU 41501, 100% Revenue supported**

28. Add one Typist Clerk III, Class #2213, Range 54.8.
29. Adjust the salary of the Medical Records Supervisor, Class 5724 to Range 66.3.
30. Add one At-Will Staff Psychiatrist position, Class #7665/0832, add two Psychiatric Staff Nurse I/II positions, Class # 7482/6484, Range 67.1/69.4, adopt the classification of Psychiatric Nurse Practitioner, Class #7713, Range 75.9, and add two (2) positions to meet Proposition 63 requirements. These requested positions will not be filled until July 1, 2005.

**Human Services Agency, BU 50012, 14 positions 100% Revenue supported and 5 positions 85% Revenue supported**

31. Delete one vacant C-IV Business Manager, Class #7621, Position 571, Range 70.9; one vacant C-IV Trainer, Class #7617, Position 577, Range 65.2 in BU 50012; and three vacant Employment and Training Workers I/II, Classes #4452/4453, Positions 487, 489, and 490, Range 57.8/ 59.8 in BU 50050.
32. Add one Employment and Training Worker III, Class #4454, Salary Range 61.8; one Family Services Supervisor, Class #7702, Range 63.7 and one Program Manager, Class #7701, Range 70.9 in BU 50050.
33. Add eight Family Services Representatives I/II, Classes #1274/1275, Range 56.8/58.8, one Family Services Representative III, Class #1276, Range 60.8, one Family Services Supervisor, Class #7702, Range 63.7 in BU 50053.
34. Add one Supervising Social Worker II, Class #7001, Range 68.9 (85% subvented) and one Family Services Representative I/II, Classes #1274/1275, Ranges 56.8/58.8 in BU 50056.
35. Add four Social Workers III, Class #6972, Range 62.3 (85% subvented) in BU 50058,

**Dept of Workforce Investment, BU 55000, 100% Revenue Supported**

36. Delete one vacant Program Manager-PITD (Pos 041), Class # 4449, Range 68.9, and add one Staff Services Analyst I/II, Class #1050/1040, Range 61.8/66.2.
37. Change one Employment & Training Analyst I/II (Pos 079), Class # 4450/4451, Range 59.4/62.4 to one Staff Services Analyst I/II, Classes #1050/1040, Range 61.8/66.2.
38. Delete one vacant Supervising Employment & Training Specialist (Pos 027), Class #1119, Range 63.7, and add one Employment & Training Specialist I/II, Class #4432/4433, Range 58.8/61.3.

**Public Works-Fleet, BU 75500, Non-General Fund**

39. Change one Variable Shift Typist Clerk I/II (Pos 004) to one (1) Variable Shift Typist Clerk III.

and adopts Resolution No. 2005-24 and 2005-24A.

Ayes: O'Banion, Pedrozo, Nelson, Kelsey

Noes: Crookham

**ACTION NO. 32**

**2005-02-22 MAY DAY FAIR BOARD**

Upon motion of Supervisor Crookham, seconded by Supervisor Nelson, duly carried, the Board reappoints Larry Borelli and Marion Santos to serve as members of the May Day Fair Board until July 1, 2007.

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

**ACTION NO. 32**

**2005-02-22 PLANADA MUNICIPAL ADVISORY COUNCIL**

Upon motion of Supervisor Crookham, seconded by Supervisor Nelson, duly carried, the Board appoints Gerald Saucido to serve as a member of the Planada Municipal Advisory Council until March 31, 2007.

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

**ACTION NO. 33**

**2005-02-22 DEFERRED COMPENSATION STANDING COMMITTEE**

Upon motion of Supervisor Crookham, seconded by Supervisor Nelson, duly carried, the Board approves the restructured composition of the Deferred Compensation Standing Committee and appoints the following to serve as members of the Committee until March 1, 2008:

<u>Position</u>	<u>Representative</u>
Elected Official	M. Stephen Jones, Auditor/Controller
County Executive Office	James Brown Assistant CEO
County Counsel	Ruben Castillo, County Counsel
Management Designee	Robert Morris, Interim Human Resources Director
Management Designee	John Volanti, Public Health Director
Management Designee	David Robinson, Ag. Commissioner
AFSCME	Kelly Johnson
Deputy Sheriff's Assoc.	Frank Swiggart
Independent Employees Assn. Of Merced County (IEMC)	Marvin Basler
Merced County Lawyer's Assoc. (MCLA)	David Elgin
Merced County Sheriff's Employee's Assoc. (MCSEA)	Frank Melo
Merced County Sheriff Sergeant's Assoc. (MCSSA)	Mike Parish

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