



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, MARCH 15, 2005

Closed Session – 9:00 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

9:00 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

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 9:00 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)

REVIEW BOARD ORDER – SEE PAGE 10

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)

The following speak: Bryant Owens on the Planada Community Development Corporation

PRESENTATIONS

Workforce Investment Board State of the Workforce - Recommendation: Accept the Report and consider recommendations

REVIEW BOARD ORDER – SEE PAGE 10

Health - Merced County Children's Health Initiative - Adoption of Resolution

REVIEW BOARD ORDER – SEE PAGE 10 AND 11

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Children & Families Commission-\$50,000 and \$125,000; Fire-\$4,000; Human Services Agency-\$18,073 and Public Works-\$3,300, \$300, \$7,000

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 35)

APPROVED AS RECOMMENDED PULLING ITEM #34 FROM THE AGENDA AYES: ALL

10:30 A. M.

PUBLIC WORKS - PUBLIC HEARING

To consider Resolution revising the Atwater RRC #1 Bridge and Major Thoroughfare Area of Benefit

REVIEW BOARD ORDER – SEE PAGE 11 AND 12

EXECUTIVE OFFICE - PUBLIC HEARING - PROPOSED ORDINANCE

To consider Proposed Ordinance Regarding First 5 Commission (Amends Ordinance Nos. 1674, 1629, 1620 and 1614) involving the Commission name change, member appointments and transfer of administrative authority to the Health Department

**PUBLIC HEARING WILL BE CONTINUED TO MARCH 22, 2005 AT
5:30 P.M.**

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items #1 - 35)

APPROVED AS RECOMMENDED PULLING CONSENT ITEM #34 FROM THE AGENDA

AYES: ALL

Public Works

1. Adopt Resolution designating the Intersection of Paige Drive and Cypress Avenue in connection with Cypress Estates Unit No. 2 Subdivision No. 99003 as a stop intersection and authorize installation of a Stop Sign in the Winton area.

ADOPTED RESOLUTION NO. 2005-26

2. Adopt Resolution authorizing Public Works to submit Hazard Elimination Safety Grant applications for the removal of concrete headwalls at several locations, for installation or replacement of guardrails at several locations, and for installation of a signal at the intersection of August and S.R. 165 and directs Public Works to return to the Board upon receipt of the Grants.

ADOPTED RESOLUTION NO. 2005-27

3. Adopt Resolution accepting the Easement Deed from the Church of God in Christ, Mennonite, for a public utility easement along a portion of Ballico Avenue and Gregg Street associated with Conditional Use Permit Application No. 03004 in Ballico.

ADOPTED RESOLUTION NO. 2005-28

4. Adopt Resolution accepting Easement Deed from the Church of God in Christ, Mennonite, for street Right-of-Way along a portion of Ballico Avenue and Gregg Street associated with Conditional Use Permit Application No. 03004 in Ballico.

ADOPTED RESOLUTION NO. 2005-29

5. Approve and authorize Chairman to sign Amendment to Contract No. 2003091 with Tower Asset Sub, Inc. for sublease to Cricket California Property Company to increase the size of the leased premises by 480 square feet.

6. Adopt Resolution for the Summary Vacation of Excess Right-of-Way along Ballico Avenue and Gregg Street in the Ballico area.

ADOPTED RESOLUTION NO. 2005-30

7. Adopt Resolution forming the Tierra De Oro Storm Drainage Maintenance Zone of Benefit No. 124 in County Service Area Number One.

ADOPTED RESOLUTION NO. 2005-31

8. Adopt Resolution annexing the Tierra De Oro Subdivision to the Delhi Street Lighting Maintenance Zone of Benefit No. 102 in County Service Area Number One.

ADOPTED RESOLUTION NO. 2005-32

9. Accept the Final Map for Tierra De Oro Subdivision No. 03011 located in Delhi.

10. Approve and authorize Public Works Director to sign Amendment (Change Order) to Contract No. 2004369 with Universal Coatings, Inc. for Castle Airport Control Tower Re-roof utilizing Federal Aviation Administration Grant Funds and State/County Matching Funds.
11. Approve and authorize Chairman to sign Renewal Contract No. 2005037 with Lake Yosemite Sailing Association to manage the seasonal rental and provide annual maintenance of Lake Yosemite Boat Slips.

Mental Health

12. Approve and authorize Chairman to sign Amendment to Contract No. 200217 with State Dept. of Mental Health for Specialty Mental Health Services for Managed Care.
13. Approve and authorize Chairman to sign Renewal Contract No. 2004017 with Merced County Office of Education for transfer of funds for mental health services as prescribed in SB 1895.

Health

14. Approve and authorize Chairman to sign Renewal Contract No. 2004106 with State Water Resources Control Board for Oversight of the Underground Storage Tank Program and authorize payment requests.

ADOPTED RESOLUTION NO. 2005-33

15. Approve and authorize Chairman to sign Amendment Contract No. 2004008 with Teris, LLC dba MSE Environmental for Household Hazardous Waste Disposal.

ADOPTED RESOLUTION NO. 2005-34

16. Authorize submission of Grant Application Contract No. 2002114 with the State Dept. of Health Services for the Bioterrorism Program funding.

Human Services Agency

17. Approve and authorize Chairman to sign Amendment to Contract No. 2000257 with Lao Family Community. Inc. for CalWORKs Services to Southeast Asian Participants.
18. Approve and authorize Chairman to sign Amendment to Contract No. 2004042 with A Women's Place for Domestic Violence Services.
19. Approve and authorize Chairman to sign Amendment to Contract No. 2004188 with Community Action Board for Home Delivered Meals Program for period of September 1, 2004 and ending June 30, 2005.
20. Approve and authorize Chairman to sign Amendment to Contract No. 2004189 with Community Action Board on Congregates Meals Program for period of September 1, 2004 and ending June 30, 2005.

Ag. Commissioner

21. Approve and authorize Chairman to sign Renewal Contract No. 2004047 with Calif. Dept. of Boating and Waterways for Water Hyacinth Control on Merced County Waterways.

ADOPTED RESOLUTION NO. 2005-35

Auditor

22. Approve and authorize Chairman to sign Renewal Contract No. 2005046 with City of Los Banos for lease of Recorder/Clerk/Elections Office.

Planning

23. Set public hearing for April 5, 2005 at 10:30 a.m. to consider a 2005 Community Development Block Grant Program, General and Native American Allocation funds to be utilized for housing rehabilitation.

Board of Supervisors

24. Set public hearing for April 12, 2005 at 10:30 a.m. to consider Appeal to Planning Commission Decision of Zone Variance Application No. 04010 and Minor Subdivision Application No. 04060 submitted by Kristen Reinking.
25. Set public hearing for April 12, 2005 at 10:30 a.m. to consider an Appeal to Planning Commission Decision of Minor Subdivision Application No. 04069 submitted by Ronald Richards.
26. Approve Board of Supervisors Meeting Minutes of August 17, 24, 31; September 14, 21, 28; October 19, 26; November 2, 9, 16; December 7, 14, 21, 2004 and January 4, 11 and 25, 2005.
27. Authorize the Clerk to notify Fair Political Practices Commission (FPPC) the Local Agency Biennial Notices have been completed and filed by the districts noted and notify the districts of the Board action taken.

Board Recognition

28. Authorize Certificates of Recognition for 2004 recognition by the Merced County Association of Realtors: Violette Torres-Outgoing President; Loren Gonella-Realtor of the Year; Mimi Cyr-Affiliate of the Year; Rick Seymour-Presidents Award; Peggy Flanagan-Priest and Mike Salvadori-Bill Del Nero Lifetime Achievement Award; Gail McCullough-Lifetime Achievement Award; Hans Marsen and Shirley Frey-Jesse Fees Memorial Award.
29. Authorize Certificate of Recognition to Ernie Gemperle in honor of being selected into the Agricultural Hall of Fame as Legend of Agriculture.
30. Authorize Certificate of Recognition to Merced Lao Family Community in honor of 2005 Merced Hmong New Year Celebration December 17 - 20, 2004.
31. Authorize Certificates of Recognition to George Christian School and Our Lady of Miracles School - Dos Palos; Bryant Middle School - Gustine and Winton Middle School - Winton for being selected as 2004 Red Ribbon School Spirit Contest Winners.
32. Authorize Certificates of Recognition to various individuals in honor of receiving Merced County 4-H Awards.

REVIEW BOARD ORDER – SEE PAGE 12

33. Authorize Certificate of Recognition to Soroptomist International of Los Banos in honor of 45 years of service to the Westside of Merced County chartered on June 16, 1962 and the following Charter Members: June Erreca, Rosamond Duran, Pearl DeGregori, Genevieve Cozzi, Amelia Silva and Mabel Forte.

Counsel

34. Approve and authorize Chairman to sign Amendment to Contract No. 2003150 with Law Firm of Lozano Smith for additional funds to extend the contract of legal assistance to Merced County.

NO ACTION TAKEN – PULLED FROM THE AGENDA

Executive Office

35. Approve Travel Requests for Planning and Sheriff as recommended by Executive Office.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

36. Contract with City of Gustine for repairs and upgrades to the Kitchen area and Bathroom facilities at the Gustine Community Hall/Library.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005038 AYES: ALL

37. Contract with Calabria Boats to use Lake Yosemite to test newly constructed power boats during normal park operating hours and during off season for a period of five years with the annual fees to be paid quarterly based on the number of boats tested.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005039 AYES: ALL

38. Authorize expenditure of McSwain Special Recreation Funds of not more than \$2,700 from BU 70112 to purchase clay mix for the McSwain School District Baseball Fields.

APPROVED AS RECOMMENDED AYES: ALL

39. Authorize use of Merced Special Recreation Funds to purchase High Jump Equipment to be placed at Merced College and approve the necessary budget transfer-\$6,000 (#046).

APPROVED AS RECOMMENDED AYES: ALL

40. Approve plans and specifications for Remodeling of the Public Health Offices located at 415 F Street, Los Banos and authorize competitive bids and award and execute a Purchase Order to the lowest responsive bidder so long as the bid is within the amount approved in the Project Budget and direct Public Works to return to the Board with results and approve the necessary budget transfer-\$34,450. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: All

HEALTH

41. Resolution authorizing receipt of up to \$100,000 EAR (Emergency Abandoned, Recalcitrant) Account Funds to be used for corrective action at the Underground Storage Tank Site; authorize reimbursement requests and the Chairman to sign necessary documents and approve the release of a Request for Proposal (RFP) to seek a qualified contractor to perform corrective action at the site and approve the necessary budget transfer-\$100,000. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005036 AND ADOPTED RESOLUTION NO. 2005-36 AYES: ALL

SHERIFF

42. Authorize the Sheriff to accept the donation of three Portable 800 MHZ Radios from Silver State Helicopters (Mr. Jerry Airola and Mr. Topper Nelson).

APPROVED AS RECOMMENDED AYES: ALL

43. Renewal Contract No. 2005040 with Sentinel Offender Services, Inc. for Home Surveillance Monitoring Systems for inmates residing in their homes and for the Electronic Automated Check-In and Fee Payment System (Kiosk) for offenders assigned to alternative custody.

APPROVED AS RECOMMENDED AYES: ALL

44. Authorize the Sheriff to submit the 2005 State Criminal Alien Assistance Program (SCAAP) through the computerized INTERNET application process administered by the Bureau of Justice Assistance and the Dept. of Justice.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

45. Contract Amendment with Calif. Dept. of Aging for Health Insurance Counseling and Advocacy Program (HICAP) and approve the necessary budget transfer-\$55,144. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004249 AYES: ALL

PUBLIC DEFENDER

46. Contract with Peter Wann Investigations for Public Defender Investigative Services.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005041 AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

47. Airport Sublease with Thomas McIlhatton for use of approximately 1.4 acres off of the end of the runway for agricultural purposes at Castle.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005042 AYES: ALL

PLANNING & COMMUNITY DEVELOPMENT

48. Addendum to Contract with RRM Design Group for the Delhi Community Plan to include additional Transportation, Environmental and policy analysis and Project Coordination.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001163 AYES: ALL

FIRE

49. Submission of Grant Application to California Dept. of Forestry and Fire Protection for Volunteer Fire Assistance Program funding for FY 2005/06, authorize Fire Chief to sign necessary documents and direct Fire to return to the Board with results prior to accepting award.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

50. Authorize continuation of Limited Term Overhire status of Legal Process Clerk I/II, position #59, in Probation from March 27, 2005 through September 26, 2005.

REVIEW BOARD ORDER SEE PAGE 13

51. Authorize overhire one Building Maintenance Supervisor (Position #005) and one Building Maintenance Worker (Position #031) for a Limited Term Appointment for a period of no

more than six months.

NO ACTION TAKEN – PULLED FROM THE AGENDA

52. Approve MOU with Merced County Attorney's Association (MCLA) representing Unit 7 and Merced County Sheriff's Employees Association representing Unit 12; approve amendments to MOU with Independent Employees of Merced County (IEMC) representing Unit 3 and with American Federation of State, County and Municipal Employees (AFSCME) representing Units 4, 5, 6, & 8; approve Resolution adopting Government Code Section 31676.17 effective July 1, 2005 for all eligible general members of Bargaining Units 3, 4, 5, 6, 7, 8, 12 and Unrepresented Management; adopt amendments to Resolution 2004-137 relating to Unrepresented Management; adjust salary ranges for the classification of Deputy County I/II/III/IV to remain in parity with Unit 7 classifications and approve amending Resolutions.

REVIEW BOARD ORDER – SEE PAGES 13 AND 14

53. Approve the AB 1825 Mandatory Sexual Harassment and Education Training for all County of Merced Elected Officials and all A through D Level Managers and Supervisors in accordance with AB 1825.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

54. District Four - Appointments of Board Representatives to the Regional Utilities Infrastructure Task Force.

APPOINTED SUPERVISOR KELSEY AND SUPERVISOR PEDROZO AS REPRESENTATIVES TO THE REGIONAL UTILITIES INFRASTRUCTURE TASK FORCE
AYES: ALL

BOARD APPOINTMENTS

55. Assessment Appeals Board – Appointment.

REAPPOINTED DUDLEY GOUL TO SERVE AS A MEMBER OF THE ASSESSMENT APPEALS BOARD REPRESENTING ATTORNEYS UNTIL SEPTEMBER 6, 2007 AYES: ALL

56. Merced County Employees Retirement Board – Appointment.

REAPPOINTED SUPERVISOR CROOKHAM TO SERVE AS A MEMBER OF THE RETIREMENT BOARD UNTIL JULY 1, 2007 AYES: ALL

57. District One - Planada Municipal Advisory Council.

APPOINTED MANUAL SILVA AND ANGIE GONZALES AND REAPPOINTED JOHN ADAME TO SERVE AS MEMBERS OF THE PLANADA MUNICIPAL ADVISORY COUNCIL UNTIL MARCH 31, 2009 AYES: ALL

58. District One - Le Grand Municipal Advisory Council.

APPOINTED JOHN CARDOZA UNTIL DECEMBER 7, 2006 AND DANNY CROSBY UNTIL DECEMBER 7, 2009 TO SERVE AS MEMBERS OF THE LE GRAND MUNICIPAL ADVISORY COUNCIL AYES: ALL

59. District Three - Area Agency on Aging Advisory Council.

APPOINTED CELIA TILGHMAN TO SERVE AS A MEMBER OF THE AREA AGENCY ON AGING ADVISORY COUNCIL REPRESENTING DISTRICT THREE UNTIL JANUARY 31, 2009 AYES: ALL

60. District Five - Mental Health Advisory Board.

APPOINTED STEVE SHELTON TO SERVE AS A MEMBER OF THE MENTAL

HEALTH ADVISORY BOARD REPRESENTING DISTRICT FIVE UNTIL JUNE 30, 2006
AYES; ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

61. Los Banos Unified School District re: A Resolution calling an election for the approval of the Levy of the Special Tax Issuance of bonds and establishment of an appropriations limit to the qualified electors of Community Facilities District No. 1. (On file with Clerk)
62. California Gas Gathering, Inc. re: Franchise Ordinance No. 1650 - Right of Way - Notification no annual fee is due as the applicant has not yet installed pipeline.
63. Constructions Materials Association of California re: Copy of the Report entitled, The Importance of Aggregates and Construction to California's Economy. (On file with Clerk)
64. Central Valley Regional Water Quality Control Board re: Meeting notice of March 17, 2005.
65. State Water Resources Control Board re: Orders denying Petitions for Temporary Urgency Change filed by the United States Bureau of Reclamation and the California Dept. of Water Resources.
66. State Fish and Game Commission re: Notice of Meeting March 17, 2005.
67. California State Controller re: AB 1663, Chapter 514 addition of reporting requirements to counties that receive funds for programs that enhance the capacity of law enforcement and prosecutors to deter, investigate and prosecute vehicle theft crimes.
68. Peterson Consulting, Inc. re: Support of AB 199, Enterprise Zones; limitation on designation.
69. Bartkiewicz, Kronick & Shanahan re: Petition for Temporary Water Transfer from Yuba County Water Agency to CALFED Environmental Water Account During 2005.
70. Federal Emergency Management Agency re: Letter of Map Revision - Monte Vista Phase I, removal from the Special Flood Hazard Area.
71. Federal Emergency Management Agency re: Letter of Map Revision - Tuscany Subdivision, removal from the Special Flood Hazard Area.

ADOPTED RESOLUTIONS IN MEMORY OF ELMER EVERETT HAIL AND JOSEPH MELLO AND ADJOURNED MEETING UNTIL TUESDAY, MARCH 22, 2005 AT 5:00 P.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – MARCH 15, 2005

9:00 A.M. SCHEDULED ITEM **2005-03-15 ADDED AGENDA ITEM**

The Chairman advises action arose subsequent to the posting of the agenda for the Board of Supervisors meeting on March 15, 2005 for an additional closed session item.

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board finds a need arose, subsequent to the posting of the agenda and places the following item on the Agenda for Board consideration:

CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL: It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Subdivision (c) of Section 54956.9: One Case.

The Board recessed into Closed Session at 9:00 a.m.
Present: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

10:00 A.M. SCHEDULED ITEM **2005-03-15 PRESENTATION – Workforce Investment Board**

Department of Workforce Investment Director Andrea Baker and Workforce Investment Board Chair Nellie McGarry present an overview of the Workforce Investment Board State of the Workforce highlighting the county community, its industries and the projected growth industries with three main regional strategic issues: Economic Development, Education and Workforce Housing with recommended Implications for action.

Mrs. McGarry recommends establishment of a Workforce Investment Task Force and suggests Mr. Nick Benjamin chair the Task Force.

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried the Board accepts the State of the Workforce Report and takes the Workforce Investment Board recommendations under consideration.

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

10:00 A.M. SCHEDULED ITEM **2005-03-15 PRESENTATION – Health**

Director of Public Health John Volanti provides an overview of the feasibility of Merced County's development of a Children's Health Initiative through the California Health Care Foundation award of a Step by Step Planning Grant.

Supervisor Crookham expresses concerns as to the cost to the County and requests information on other counties participation in this program.

Following discussion and upon motion of Supervisor Pedrozo, seconded by Supervisor Kelsey, duly carried, the Board supports the feasibility of implementing the Merced County Children's Health Initiative creating health insurance coverage for all Merced County Children between the ages of 0 and 18 whose incomes are at or below 300% of poverty and authorizes Health to accept \$25,000 from the Health Communities Access Program (HICAP) for the purposes of planning and coordination of a Merced County Children's Health Initiative and adopts Resolution No. 2005-25.

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

10:00 A.M. SCHEDULED ITEM
2005-03-15 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a public hearing to consider a proposed Resolution revising the Atwater RRC #1 Bridge and Major Thoroughfare Area of Benefit submitted by Public Works.

Public Works Director Paul Fillebrown reviews the Staff Report and comments on the Traffic and Sewer Impact Study submitted by the City of Atwater regarding the Atwater Ranch Project. Mr. Fillebrown states the Study does not properly state the impact on the County and should be redone.

The Chairman suggests to the Board that a letter be sent today to the City of Atwater stating concerns with the Impact Study, with a copy of the letter sent to the Atwater Ranch Developers. The Chairman also states the deadline for comments is March 17, 2005 at 4:00 p.m. and the Board may need to hold a special closed session.

Supervisor Kelsey expresses concerns and states letters have been sent to The City of Atwater regarding the traffic survey.

Supervisor Nelson states the developers are prepared to help with the expenses to improve the roads.

The Board discusses Impact Fees and Boundaries.

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

Atwater resident Helen Drisdow expresses concerns on the impact of more traffic in the area.

Le Grand resident Bryant Owens commends the Board on the decision for further study on the project and states the same consideration should be used on other projects.

Atwater resident Lynn Davis, member of Concerned Citizens for Sensible Growth, states concerns on the impact on water and roads.

Supervisor Nelson reads into the record a letter submitted by Maxwell Norton in favor of the Atwater Rural Residential Center #1 Area of Benefit proposal.

Atwater resident Maria Friesen states concerns regarding the widening of Mulberry Road.

The Chairman closes the Public Hearing.

Mr. Fillebrown advises the County has not sent out notices regarding the widening of Applegate Road and the County has no plans to widen this road and it is not a current capital improvement project. He advises before a widening project would occur that an appraisal will be done on the roads.

Supervisor Nelson states the letters received by the Applegate residents were sent out by The City of Atwater. Supervisor Nelson further states the McSwain area was not designed with trails for walking or riding and if Ms. Friesen or anyone wishes to head-up a project to address this issue, he would be available to help where he can.

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor Kelsey, duly carried, the Board authorizes revising the Atwater RRC #1 Bridge and Major Thoroughfare Area of Benefit and adopts Resolution No. 2005-40.

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

CONSENT ITEM NO. 32

2005-03-15 BOARD OF SUPERVISORS

Upon motion of supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board authorizes Meritorious Awards-2004 Tak Date Community Service Award to Cheryl Davidson and 2004 Rollo Spina Leader Award to Susan Mahacek and authorizes Certificates of Recognition to the following in honor of receiving Merced County 4-H Awards:

Silver Clover Awards: Ballico Cressey 4-H, Bob Naldi; Hilmar Colony 4-H, Frankie Bundgard; Lancers 4-H, Bernie Marks and Dina Ray; Le Grand 4-H Club, James Pacheco; Livingston 4-H Club, John Lourenco; McSwain 4-H Club, Cynthia Cassady, Mary Pereira, Bruce Pearson and Mark Tillet; Merced River 4-H Club, Kristy Day; Plainsburg 4-H Club, Lesanne Jacobsen, Dannese Slate and Justin Slate; St. Anthony's 4-H Club, Terri Fortin; Westside 4-H Club, Lucia Farao and Leesa Justice.

Gold Clover Awards: Dos Palos 4-H Club, Danny Wiley; Lancers 4-H Club, Kim Cruz-Marks and Connie Tunnel; Los Banos Community 4-H Club, Fred Lewis; Plainsburg 4-H Club, Sherri Gipe; Our Lady of Fatima 4-H Club, Eileen Dugan-Vaughn; Westside 4-H Club, Charlie Alamo.

Pearl Clover Award: Countywide 4-H Club, Mark Migliazzo; McSwain 4-H Club, Pamela Schroeder; Westside 4-H Club, Cherlynn Arellano.

Diamond Clover Award: Countywide 4-H Club, Marilee Boles; Hilmar Colony 4-H Club, Barbara Ellington; Lancers 4-H Club, Jill Campos.

Emerald Clover Award: Lancers 4-H Club, Susan Mahacek.

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

ACTION ITEM NO. 50

2005-03-15 EXECUTIVE OFFICE

The Clerk announces Action Item Nos. 50, 52 and 53 that are before the Board and states Item No. 51 is being pulled from the Agenda for consideration.

Supervisor Nelson moves, seconded by Supervisor Pedrozo, to approve Action Items Nos. 50, 52, and 53 through the Executive Office.

Supervisor Nelson withdraws the Motion.

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

Following discussion, Supervisor Kelsey moves, seconded by Supervisor Pedrozo, to approve Item No. 50, Continuation of Limited Term Overhire status of Legal Process Clerk I/II, (Position #59) Probation from March 27, 2005 through September 26, 2005.

Supervisor Crookham votes "no". Motion carries

Ayes: O'Banion, Pedrozo, Nelson, Kelsey

Noes: Crookham

ACTION ITEM NO. 52

2005-03-15 EXECUTIVE OFFICE

The clerk announces Action Item No. 52 submitted by Executive Office relative to the Memorandum of Understandings with the various bargaining units.

The Chairman requests the Recommendation be modified to take effect immediately.

County Executive Officer Demitrios Tatum reviews the staff report and advises the costs will change if the effective date is modified.

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board takes the following actions:

1. Approve and authorize the Chairman to sign Memorandum of Understanding-Interdepartmental Agreement No. 2005079 with Merced County's Attorney's Association (MCAA) representing Bargaining Unit 7.
2. Approve and authorize Chairman to sign Memorandum of Understanding-Interdepartmental Agreement No. 2005078 with Merced County's Sheriff's Employees Association representing Bargaining Unit 12.
3. Approve and authorize Chairman to sign Memorandum of Understanding-Interdepartmental Agreement No. 2005076 with Independent Employees of Merced County (IEMC) representing Bargaining Unit 3.
4. Approve and authorize Chairman to sign Memorandum of Understanding-Interdepartmental Agreement No. 2005077 with American Federation of State, County and Municipal Employees (AFSCME) representing Bargaining Units 4, 5, 6, & 8.

5. Adopt Resolution No. 2005-37 adopting Government Code Section 31676.17 effective May 15, 2005 for all eligible General Members of Bargaining Units 3, 4, 5, 6, 7, 8, 12 and Unrepresented Management.
6. Adopt Resolution No. 2005-38, Policies relating to the Designation, Compensation and Recognition of Unrepresented Management Employees.
7. Adjusts the salary range of the classification of Deputy County Counsel I, class #3052, from Salary Range 65.5 to Salary Range 67.1 to remain in parity with Unit 7 level I classifications.
8. Adjusts the salary range of the classification of Deputy County Counsel II, class #3051, from Salary Range 69.8 to Salary Range 71.4 to remain in parity with Unit 7 level II classifications.
9. Adjusts the salary range of the classification of Deputy County Counsel III, class #3048, from Salary Range 73.7 to Salary Range 75.3 to remain in parity with Unit 7 level III classifications.
10. Adjusts the salary range of the classification of Deputy County Counsel IV, class #3047, from Salary Range 77.0 to Salary Range 78.6 to remain in parity with Unit 7 level IV classifications.

And adopts Resolution No. 2005-39 with the understanding the action is effectively immediately.

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