



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, MAY 24, 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, Director of Commerce, Aviation, and Economic Development pursuant to Section 54956.8 as follows: Castle Property.

**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:  
Duarte and Ernestina Nunes v. County of Merced et al - Stanislaus County Superior Court Case No. 350239  
Bryant Owens v. County of Merced, et al - Merced Superior Court Case No. 147956

San Joaquin Raptor Rescue Center et al v. County of Merced - Case No. 147649

**THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF**

**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 8**

**PRESENTATION - Mental Health re: Proposition 63**

Recommendations: Authorize Human Resources Department to issue jeopardy letters and begin to pursue transfer opportunities for the incumbents in the five positions identified for possible workforce reduction; issue jeopardy letters to any additional positions that will be identified if the programs established by Mental Health Services Act funding are not sufficient to absorb those positions that would otherwise be subject to reduction in force procedures; authorize reduction in force to the currently identified five filled positions effective June 26, 2005; authorize the unfunding of the 19 Vacant Positions in the Mental Health Department for Fiscal Year 2005-2006 and adopt Resolution.

**REVIEW BOARD ORDER – SEE PAGES 8 and 9**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) District Attorney-\$700 and \$38,339; Ag. Commission-\$9,000; Health-\$53,100; Human Services Agency-\$3,385,000; Public Works-\$6,017 (#095) and \$12,200 (#096) and Child Support Services-\$185,000.

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR** (Item # 1 - 25)

**APPROVED AS RECOMMENDED AYES: ALL**

**REPORTS/BOARD DIRECTION**

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

**LUNCH BREAK**

CONSENT CALENDAR (Items # 1 - 25)

**APPROVED AS RECOMMENDED      AYES: ALL**

Public Works

1. Adopt Resolution designating the intersection of Fleming Road and Station Avenue as an All-Way Stop intersection and authorize installation of stop signs on the Fleming Road approaches to the intersection.

**ADOPTED RESOLUTION NO. 2005-92**

2. Adopt Resolution designating the intersection of Washington Road and August Avenue as an All-Way Stop intersection and authorize installation of a stop sign on the August Avenue approaches to the intersection.

**ADOPTED RESOLUTION NO. 2005-93**

Human Services Agency

3. Approve and authorize Chairman to sign Renewal Contract No. 2002141 with Merced County Office of Education for Community Outreach and Support of Child Abuse Intervention and Treatment.
4. Approve and authorize the Chairman to sign Renewal Contract No. 2004083 with Merced County Office of Education for the Promoting Safe and Stable Families Program.
5. Approve and authorize Chairman to sign Interdepartmental Renewal Contract No. 2004141 with the Department of Workforce Investment for Employment Services.
6. Approve and authorize Chairman to sign Renewal Contract No. 2004034 with Merced Community College for the Independent Living Program.
7. Approve and authorize Chairman to sign Renewal Contract No. 2004278 with Merced Lao Family Community, Inc. for Home Visitor Services.
8. Approve and authorize Chairman to sign Interdepartmental Renewal Contract No. 2004356 with Health for Parenting/Bonding Classes.
9. Approve and authorize Chairman to sign Interdepartmental Renewal Contract No. 2003090 with Mental Health for Alcohol and Drug Counseling Services.
10. Approve and authorize Chairman to sign Renewal Contract No. 2002123 with Merced College for Learning Disabilities Evaluations.
11. Approve and authorize Chairman to sign Amendment Contract No. 2004397 with Merced Lao Family Community, Inc. for Refugee Employment and Social Services Program.
12. Approve and authorize Chairman to sign Amendment Contract No. 2001159 with Children's Services Network of Merced County for Stage I and Cal Learn Child Care Services.

Mental Health

13. Approve and authorize Chairman to sign Renewal Contract No. 2004205 with Evans Private Security for Security Services at the Inpatient Unit and Other Facilities.

Executive Office

14. Act on Claims for Damages submitted by Beatriz Diaz (2005-37), Toni K. Fuller (2005-32) and Keith L. Bennett (2005-38) as recommended by the Executive Office.

15. Approve a Travel Request for the District Attorney's Office as recommended by the Executive Office.

#### Board Recognition

16. Authorize Certificates of Recognition to various individuals in recognition of receiving the Regional Occupational Program's Award of Excellence.

**REVIEW BOARD ORDER – SEE PAGES 9 AND 10**

17. Authorize Certificate of Recognition to Tinetti Realty Group for Ribbon Cutting and Open House.

18. Authorize Certificates of Recognition in honor of being selected for Thomas and Julia Olaeta Educator of the Year Award to Joe Monachello, Marilyn Monachello and Francis Thompson.

19. Authorize Certificates of Recognition to various individuals as selected by the Livingston/Delhi Veterans of Foreign Wars and Ladies Auxiliary #8327.

**REVIEW BOARD ORDER – SEE PAGE 10**

20. Authorize Certificate of Recognition to Brian C. Popish, Troop 58, Los Banos for achieving the rank of Eagle Scout.

21. Authorize Certificates of Recognition for Soroptomist International-Los Banos Awards to: Amy L. Belasco-Women's Opportunity Award, Ann Erreca-Women of Distinction, Jessica Gomez-Women Helping Women, Memorial Hospital of Los Banos-Advancing the Status of Women, Cindy Mattos-Making a Difference for Women and Loretta Garcia-Soroptomist of the Year.

22. Authorize Certificates of Recognition to individuals for their dedication as Foster Parents in Merced County.

**REVIEW BOARD ORDER – SEE PAGE 11**

23. Authorize Certificate of Recognition to Del Taco recognizing their Grand Opening and Ribbon Cutting.

24. Authorize Certificates of Recognition for Atwater High School FFA Awards: Jorge Pulido-Outstanding Freshman; Alys Scoggins-Outstanding Sophomore; Christina Menezes-Outstanding Junior; Jessica McAdams-Outstanding Senior; Jacquelyn Grande-Outstanding Senior and MaiChia Yang-Outstanding FFA Member.

25. Authorize Certificate of Recognition to Kirk McCandless for 25 years of Dedicated Service to the Students and Community of Delhi.

#### REGULAR CALENDAR

#### BOARD ACTION

#### PUBLIC WORKS

26. Contract with Peter and Ramona Bron for Right of Way Contract and Easement Deed for acquisition of land necessary for construction of the California Street Improvement Project and adjacent public utility easement in Winton and adopt Resolution.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005110 AND ADOPTED RESOLUTION NO. 2005-94 AYES: ALL**

27. Contract with Bulmaro and Mirna Peralta for Right of Way Contract and Easement Deed for acquisition of land necessary for construction of the California Street Improvement Project and adjacent public utility easement in Winton and adopt Resolution.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005111 AND ADOPTED RESOLUTION NO. 2005-95 AYES: ALL**

28. Award Contract to Coincard International, DBA Fare Logistics to provide electronic validating fareboxes for "The Bus" - Merced County Transit.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005112 AYES: ALL**

29. Authorize Public Works to proceed with completion of Veterans and Community Halls Needs Assessment Report utilizing existing staff and resources and approve the necessary Budget Transfer-\$33,000 (DPW #099) (4/5 vote required).

**APPROVED AS RECOMMENDED AYES: ALL**

30. Approve the Vehicle User Committee's Recommended Vehicle User Mileage Rates for 2005-2006 Fiscal Year.

**APPROVED AS RECOMMENDED AYES: ALL**

#### HUMAN SERVICES AGENCY

31. Contract with Merced County Office of Education for Domestic Violence Counseling Services.

**PULLED FROM THE AGENDA – NO ACTION TAKEN**

32. Contract with the Housing Authority of the County of Merced to fund payment of vouchers for 54 CalWORKs clients in connection with the Housing Assistance Program (HAP) Choice Voucher Program.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005116 AYES: ALL**

33. Amendment to Contract No. 2004083 with Merced County Office of Education to increase the contract amount by \$28,815 for counseling services to Child Clients of Domestic Violence and approve the necessary Budget Transfer-\$200. (4/5 vote required)

**APPROVED AS RECOMMENDED AYES: ALL**

#### PLANNING AND COMMUNITY DEVELOPMENT

34. Contract with Self-Help Enterprises for Consultant Services to implement and administer State Housing and Community Development Grant (No. 04-HOME-0742) and to provide all technical assistance necessary to prepare loan applications for First-Time Homebuyer Assistance Countywide and approve the necessary Budget Transfer-\$600,000.00. (4/5 vote)

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005113 AYES: ALL**

#### MENTAL HEALTH

35. Contract with Families First, Inc. for Specialty Mental Health Services-Organizational Providers to Out-of County Dependents, Wards, and Students.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005117 AYES: ALL**

36. Contract with the State Dept. of Mental Health for a Trading Partner Agreement for HIPAA required transaction and code sets for billing for Short-Doyle Medi-Cal Claims.

**AUTHORIZED CONTRACT NO. 2005118 AYES: ALL**

HEALTH

37. Resolution authorizing submission of the Solid Waste Local Enforcement Agency Grant Application for Fiscal Year 2005-2006 to the California Integrated Waste Management Board and authorize the Chairman to sign the necessary documents and authorize the Environmental Health Director to sign all payment requests.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005119 AND ADOPTED RESOLUTION NO. 2005-96 AYES: ALL**

38. Contract with Merced County Office of Education-Family Resource Council for Capacity Building Services for a Specific Scope of Work to include comprehensive organizational assessments for community-based non-profit organizations as approved by First 5 Merced County.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005120 AYES: ALL**

SHERIFF

39. Contract with U.S. Department of Justice, Drug Enforcement Administration (DEA) for 2005 Domestic Cannabis Eradication/Suppression Program Grant and authorize Sheriff to place the \$25,000 Funding in a Trust Fund and draw down the funding periodically to revenue to offset the cost of authorized expenditures.

**REVIEW BOARD ORDER – SEE PAGE 11**

SHERIFF/HEALTH

40. Recommendation to consider Interim Ordinance Adopting a Moratorium on Medicinal Marijuana Dispensaries.

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

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

41. Authorize purchase of a mower to maintain Castle Airfield and approve related Budget Transfer-\$17,500.00. (4/5 vote required)

**APPROVED AS RECOMMENDED AYES: ALL**

EXECUTIVE OFFICE

42. Contract with Horizon Health for Employee Assistance Program (EAP) and authorize the County Executive Officer to negotiate and execute a contract extension with Dr. Bunce on a month-to-month basis to transition services, if necessary.

**PULLED FROM THE AGENDA – NO ACTION IS TAKEN**

43. Adopt 2005 Merced County Continuum of Care Plan and the Project Home Start Grant Application from Dept. of Housing and Urban Development (HUD) to continue operating the Homeless Management Information Systems (HMIS) that encourages homeless persons to transition towards self sufficiency, certify the cash match in the amount of \$97,402 for the Project and authorize the Mental Health Director to sign all certifications and application documents necessary.

**APPROVED AS RECOMMENDED AYES: ALL**

BOARD OF SUPERVISORS

44. Resolution Supporting the use of Biotechnology in the Agricultural Industry.

**ADOPTED RESOLUTION NO. 2005-97 AYES: ALL**

45. Authorize the following process for Memorandums of Understanding/Auditors: any substantive changes requested by the Board of Supervisors to negotiated employee bargaining units signed by the respective Business Agent/Managers should be returned to staff for review/analysis of the fiscal consequences and then returned to the Board of Supervisors for consideration.

**REVIEW BOARD ORDER – SEE PAGE**

**BOARD APPOINTMENTS**

46. Dairy Technical Advisory Committee.

**REVIEW BOARD ORDER – SEE PAGE 12**

47. Solid Waste Independent Hearing Panel.

**APPOINTED GARTH PECCHENIO (representing Technical Expert) AND DAVID MAZZEI (representing General Public) TO SERVE AS MEMBERS OF THE SOLID WASTE INDEPENDENT HEARING PANEL UNTIL APRIL 7, 2006 AYES: ALL**

48. Merced Cemetery District.

**REAPPOINTED BRUCE GABRIALT TO SERVE AS A MEMBER OF THE MERCED CEMETERY DISTRICT REPRESENTING DISTRICT TWO UNTIL AUGUST 16, 2009 AYES: ALL**

49. Local Agency Formation Commission (LAFCo) – Board Appointment.

**REAPPOINTED SUPERVISOR O'BANION TO SERVE AS THE BOARD REPRESENTATIVE OF THE LOCAL AGENCY FORMATION COMMISSION (LAFCo) UNTIL MAY 24, 2005 AYES; 1, 2, 3, 5 NOES: 4**

**BOARD INFORMATION & POSSIBLE ACTION**

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

50. Dept. of Workforce Investment re: 2005/2006 WIA Subgrant Agreement R2692484, with the State of California Employment Development Department.
51. Executive Office re: Opposition of Assembly Bill 667 (Jones) Child Support Enforcement.

**ADJOURNED UNTIL TUESDAY, JUNE 14, 2005 AT 10:00 A.M.**

## **BOARD ORDERS – SUMMARY ACTION MINUTES – MAY 24, 2005**

### **10:00 A.M. SCHEDULED ITEM** **2005-05-24 PUBLIC OPPORTUNITY**

The following appear to speak relative to Public Opportunity: Gary Doesckle; Post 83 VFW Commander Frank Moffett regarding Action Item 29-Veterans Memorial Building; Bryant Owens-submits Letter regarding a Volunteer Music Program in Planada; Robert Weathers-Complaints regarding the Ballico Water District and Assistant City Manager Bill Cahill regarding Proposed Expansion of Gateway Redevelopment Area.

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

### **10:00 A.M. SCHEDULED ITEM** **2005-05-24 PRESENTATION - Mental Health, Proposition 63**

The Clerk announces the item before the Board is the Presentation by Mental Health regarding Proposition 63 and recommendations related thereto.

County Executive Officer Dee Tatum advises the State is continuing to have financial difficulties that will affect the local Mental Health Department for Fiscal Year 2005-06 and staff has been attempting to minimize the State's impact. He summarizes that Staff has discussed the matter of employee positions in jeopardy with union representatives and an acceptable solution has been arrived and all positions that are in jeopardy have been placed in other positions including a probationary employee.

Mental Health Director Troy Fox reviews the power point presentation regarding the Mental Health Services Act Funding Impacts on Fiscal Year 2005-06 Mental Health Budget.

AFSCME Business Agent Kristi Waskewitz states she represents three of the five identified employees subject to this action. She further states that AFSCME never agreed to layoffs; however, Mental Health staff has made sure all staff affected have a position and in most cases, the pay difference is slight. Ms. Waskewitz states Prop 63 was approved by the voters and with the funds not being released, there is a loss of services to mentally ill people and she urges the Board to do whatever they can to get the funds released.

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

1. Authorizes Human Resources to issue jeopardy letters and begin to pursue transfer opportunities for the incumbents in the five positions identified for possible workforce reduction.
2. Authorize Human Resources to Issue jeopardy letters to any additional positions that will be identified if the programs established by the Mental Health Services Act (MHSA) funding are not sufficient to absorb those positions that would otherwise be subject to reduction in force procedures.



3. Authorize reduction in force to the currently identified five filled positions effective June 26, 2005.
4. Authorize the unfunding of the 19 Vacant Positions in the Mental Health Department for Fiscal Year 2005-2006.

and adopts Resolution No. 2005-91 effective June 26, 2005.

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

## **CONSENT ITEM NO. 16**

### **2005-05-24 BOARD OF SUPERVISORS**

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board authorizes Certificates of Appreciation to the following individuals in recognition of receiving the Regional Occupational Program's Award of Excellence:

#### **ATWATER HIGH SCHOOL**

Christina Galvadores, Christopher Snyder, Rebecca Tubbs, Hli Vang, Shirley Wilson

#### **BUHACH COLONY HIGH SCHOOL**

Xue Lee, Daniel Marquez Jr., Aaron Taylor,

#### **DOS PALOS HIGH SCHOOL**

Erika Campos, Michelle Goodman, Sergio Guillen, Melissa Harrelson, Edith Hernandez, Noel Mendez, Leonardo Mora, Olga Ponce, John T. Robinson, Heather Roes, Maricela Ruvalcaba, Suleica Valenzuela, Shannon Vandenberg, Dominic Walker, Samuel Wiley

#### **GOLDEN VALLEY HIGH SCHOOL**

Kai Lee Chang, Karina Contreras, Jose Cruz, Victoria Davis, Samantha Ens, Divina Fuentes, Brooke Fuller, Michael Kleiber, Theresa Machado, Daniel Martinez, Jennifer Mayfield, Amber Mosier, Dora Moua, Kao Moua, Amanda Naranjo, Amanda Polasik, Joe Raggio, Samuel Saechao, Liew Saepfan, Kayla Scott, Houa Thao, Cha Xiong, George Xiong, William Xiong, Yee Xiong, Chue Yang, Eric Young, Eva Hernandez

#### **LE GRAND HIGH SCHOOL**

Elsa Alvarez, Jessica Arias, Araceli Lopez, Maria Magallon, Elvis Martinez, Maricela Munoz, Concepción Perez, Denise Perez, Ana Puentes, Gamaliel Ramirez, Luis Ruiz, Martin Sanchez, Elizabeth Zaragoza

#### **LOS BANOS HIGH SCHOOL**

Barba Lizeth, Steven Bawdon, Roger Bond, Delicia Borja, Michael Camarillo Jr., Marianna Castillo, Hector Chavez, Maria Janeth De La Torre, Erica Fratto, Megan Grady, Amanda Hendrickson, Yesenia Lopez, Claudia Parras, Nicholas Ramirez, Allyson Thommen

#### **LOS BANOS VALLEY COMMUNITY SCHOOL**

Bouapa Sudjaidee

#### **MERCED HIGH SCHOOL**

Michael Arocha, Randy Avila, Christina Chacon, Laura Dunn, Sonia Godoy, Maria Hurtado, Sarah Lamas, Choua Moua, Amber Perry, Natalie Porter, Desirea Rios, Jose Ruiz, Ambrosia Seastrunk, Regina Syharath, Sheng Thao, Andres Valencia, Teng Vang, Jenny Xiong, Ka Xiong, Xeng Xiong, Yia Yang, Justine Zuniga

#### **MERCED VALLEY COMMUNITY SCHOOL**

Ktua Cha

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

**CONSENT ITEM NO. 19**

**2005-05-24 BOARD OF SUPERVISORS**

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board authorizes Certificates of Recognition to the following individuals as selected by the Livingston/Delhi Veterans of Foreign Wars and Ladies Auxiliary #8327:

Jose Rodriguez - Outstanding Sea Cadet, Kera Cohen - Patriot's Pen Advisor, Brittney Lynn Pacheco - 3<sup>rd</sup> Place Patriot's Pen Essay, Dajain S. Salone - 2<sup>nd</sup> Place Patriot's Pen Essay, Victor A. Gonzalez - 1<sup>st</sup> Place Patriot's Pen Essay, David Mires - Voice of Democracy Recording Technician, Rosemary Eismann - Voice of Democracy Advisor, Martin J. Reynoso - 3<sup>rd</sup> Place Voice of Democracy, Kary Alvernaz - 2<sup>nd</sup> Place Voice of Democracy, Abraham A. Luera - 1<sup>st</sup> Place voice of Democracy, Joseph C. Alvarnaz - 1<sup>st</sup> Place Patriotic Art, Darlene Storment - Delhi Patriotic Teacher-Grades K-5, Jan Browning - Delhi Patriotic Teacher-Grades 6-8, John Schonwald - Delhi Patriotic Teacher-Grades 9-12, Rebecca Zarate - Livingston Patriotic Teacher-Grades K-5, Bill Mills - Livingston Patriotic Teacher-Grades 6-8, Lorena Alvarez - Livingston Patriotic Teacher-Grades 9-12, Alvernaz Farm - Merced County Patriotic Business, Gloria's Beauty Salon - Livingston Patriotic Business, The Davis Family - Delhi Patriotic Family, Moses Mendoza Family - Livingston Patriotic Family, Dale Michalec - Delhi Firefighter of the Year 2004, Michael Afferino - Livingston Firefighter of the Year 2004, Deanna Cabrera - Livingston Dispatcher of the Year 2004, Michael Baker - Livingston Law Enforcement Officer of the Year 2004, Dennis Brusenski - Veteran of the Year 2004, Juan Salazar - Veterans of foreign Wars Member of the Year 2004, Janice Purganan - Ladies Auxiliary Member of the Year 2004.

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

**CONSENT ITEM NO. 22**

**2005-05-24 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 their dedication as a Foster Parent in Merced County:

Madelyn Anderson, Anna Barragan, Dorothy Blanchard, Natalie and Daniel Boehs, Sharon Brown, Sherry and Charles Chalk, Carrie and Bruce Cole, Karen and Brian Davenport, Toni Donahue, Patricia and Janae Elmasian, Angela Fisher, Alberta and Raul Ramos, Georgia and Octavius Gonzaga, Marie Gonzales, Marie and Lauriano Hernandez, Alissa and Steven Holiday, Marilyn and Robert Jackson, Theresa and Kenneth Jackson, Veda and Michael Jones, Linda and Scot Levesque, Jane and Richard Loewen, Marcella and Donald Loewen, Melissa and Justin Loewen, Maria Lucia and Mario Londono, Maria and Pedro Melo, Diane and Fortino Moreno, Glennis and Marvin Neese, Ophelia and Dionysio Perez, Kim and Raymond Pizana, Theresa and Brad Prince, Diane and Tim Pust, Elaine and Dennis Queen, Terry and Michael Ragus, Gabriela and Porfirio Ramirez, Susan and Stephen Scherer, Kelli and Mike Schilling, Jeri Teixeira, Maria and Tom Timmerman, Virginia Tolleson and Rory Blaylock, Virginia Valencia and Sergio Ixta, Maria and Pete Vargas, Maria Veira, Cynthia and Danny Vierra, Kathy Wilson, Denee and Richard Yarbrough

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

**ACTION ITEM NO. 39**  
**2005-05-24 SHERIFF**

The Clerk announces the item before the Board is the Contract with U.S. Department of Justice, Drug Enforcement Administration (DEA) for 2005 Domestic Cannabis Eradication/Suppression Program Grant submitted by the Sheriff Department.

The Chairman asks if there is anyone present that wishes to speak.

Dustin Costa, representing the Merced Patients Group, states there should be an exemption for medical marijuana.

Sheriff Mark Pazin advises the Domestic Cannabis Eradication/Suppression Grant will assist the Department with intelligence gathering and eradication of illegal marijuana gardens in Merced County.

Upon motion of Supervisor Nelson, seconded by Supervisor Crookham, duly carried, the Board accepts the \$25,000 Grant for the 2005 Domestic Cannabis Eradication/Suppression Program and authorizes the Chairman to sign Contract No. 2005121 with the Department of Justice, Drug Enforcement Administration (DEA) for the Eradication/Suppression Program and authorizes the Sheriff to place the \$25,000 in the Sheriff's Trust Fund and to draw down the funding periodically to revenue to offset the cost of authorized expenditures.

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

**ACTION ITEM NO. 40**  
**2005-05-24 SHERIFF/HEALTH – ORDINANCE NO. 1751 ADOPTED**

The Clerk announces the item before the Board is the Proposed Interim Ordinance Adopting a Moratorium on Medicinal Marijuana Dispensaries in accordance with Government Code Section 65858 as submitted by the Health Department.

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

Kathy Bowen Marquez speaks in support of Medical Marijuana Dispensaries for people that have prescriptions.

Charles Igo speaks against the Moratorium.

Director of Public Health John Volanti reviews the Staff Report and stating there is a case before the Supreme Court regarding jurisdiction of medical marijuana dispensaries and a decision on that case is expected within the next 30 days. He further states if the outcome is the federal government has jurisdiction then what is being considered today is moot. Otherwise, if the Supreme Court decides the matter does not fall within the federal jurisdiction, the Health Department will proceed in accordance with the State law and have identification cards for people that require medical marijuana and staff would come back to the Board with an Ordinance regarding dispensaries that will remain in full force and effect, unlike the Interim Proposed Ordinance.

Sheriff Mark Pazin advises the Proposed Interim Ordinance is being proposed to await the decision of the Supreme Court which will provide clear direction on this issue.

Upon motion of Supervisor Nelson, seconded by Supervisor Crookham, duly carried, the Board waives further reading of the Proposed Interim Ordinance: An Interim Ordinance of the County of Merced, State of California, in accordance with Government Code Section 65858, Adopting a Moratorium on Medicinal Marijuana Dispensaries.

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

Following discussion and upon motion of Supervisor Pedrozo, seconded by Supervisor Crookham, duly carried, the Board adopts Ordinance No. 1751.

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

#### **ACTION ITEM NO. 45**

##### **2005-05-24 BOARD OF SUPERVISORS**

Supervisor Nelson moves, seconded by Supervisor Kelsey, the Board authorize the following process for Memorandums of Understanding/Audits: Any substantive changes requested by the Board of Supervisors to negotiated employee bargaining units signed by the respective Business Agent/Managers should be returned to staff for review/analysis of the fiscal consequences and then returned to the Board of Supervisors for consideration.

The Chairman calls for a vote on the Motion.

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

Ayes: Pedrozo, Crookham, Nelson, Kelsey

Noes: O'Banion

#### **ACTION ITEM NO. 46**

##### **2005-05-24 HEALTH - Dairy Technical Advisory Committee**

Upon motion of Supervisor Pedrozo, seconded by Supervisor Nelson, duly carried, the Board reappoints the following to serve as members of the Dairy Technical Advisory Committee until January 28, 2007:

Ray Veldhuis representing District Two;

Mark Migliazzo representing District Three;

Duane Matheron representing District Four;

Richard Rodoni representing District Five;

Fred Souza, Charles Gragnani and Mike Gallo, representing General Public;

Frank Azevedo representing Western United Dairyman;

Marv Hoogendam and Denise Mullinax representing Hilmar Cheese;

Simon Vanderwoude and Dan Macedo representing California Dairies, Inc.;

And Alejandro Castillo representing Coop. Extension Service;

And appoints the following to serve as members of the Dairy Technical Advisory Committee until January 28, 2007:

Ed Hoekstra representing District One;  
Scott Magneson representing California Dairies;  
And Anselmo Souza representing Western United Dairyman.

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