



# MERCED COUNTY BOARD OF SUPERVISORS

## SUMMARY ACTION MINUTES

Regular Meeting

TUESDAY, AUGUST 8, 2000

Closed Session – 8:30 a.m.

Regular Meeting – 10:00 a.m.

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

GLORIA CORTEZ KEENE.....DISTRICT 1  
KATHLEEN M. CROOKHAM....DISTRICT 2  
JOE RIVERO.....DISTRICT 3  
DEIDRE F. KELSEY....DISTRICT 4  
CHAIRMAN JERRY O'BANION.....DISTRICT 5  
Lydia A. Beiswanger, Chief Clerk

DEMITRIOS O. TATUM  
ACTING COUNTY ADMINISTRATIVE OFFICER

DENNIS MYERS  
COUNTY COUNSEL

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

### SCHEDULED ITEMS

8:30 A. M.

**CLOSED SESSION :** It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957, Subdivision (e):  
PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS  
Title: Public Defender and  
Planning and Community Development Director

8: 30 A. M.

**CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATOR:** It is the intention of the Board to meet in Closed Session pursuant to Section 54957.8 concerning a conference with County of Merced negotiators- Bev Morse-Assistant County Administrator concerning negotiations with American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6, and 8

**CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:** It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: Two Cases

**THE BOARD RECONVENED AT 10:00 A.M. WITH SUPERVISOR RIVERO NOT PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF**

**CLOSED SESSION DISCUSSION WILL BE CONTINUED TO THURSDAY, AUGUST 10, 2000 AT 11:00 A.M.**

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 10**  
**The following speak: Dr. Paul Windham**

**UC MERCED PROJECT**

- Liaison and Project Director Report

**RECEIVED REPORT FROM LIAISON REPRESENTATIVE KATHLEEN CROOKHAM**

- Actions/Direction
- Public Comment

**APPROVAL OF CONSENT AGENDA CALENDAR (Items # 1 – 28a)**

**APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5**

**NOT PRESENT: 3**

**APPROVAL OF COMMUNITY ACTION AGENCY CONSENT AGENDA CALENDAR (Items # 29 - 34)**

**APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5**

**NOT PRESENT: 3**

10:00 A. M.

**CASTLE JPA**

- Report
- Possible Action **REVIEW BOARD ORDER – SEE PAGE 10**
  1. **Review of August 10, 2000 Agenda**  
**AUTHORIZED REPRESENTATIVES TO TAKE NECESSARY ACTION ON LEASE AGREEMENTS WITH REPORT TO COME BACK TO THE BOARD**  
**Ayes: 1, 2, 4, 5 NOT PRESENT: 3**
  2. **Counsel re: Modification of Joint Powers Agreement**  
**NO ACTION TAKEN**

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

**REPORTS/BOARD DIRECTION**

County Administrator  
County Counsel  
County Auditor  
Board of Supervisors Members

**LUNCH BREAK**

**CONSENT CALENDAR (Items #1 - 28)**

**APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3**

1. Approve Travel Requests submitted by Business-Economic Opportunities and District Attorney-Family Support as recommended by Administration.
2. Authorize overhire of one Account Clerk II for a Limited Term Appointment for a period no more than six months, Mental Health
3. Authorize overhire of a Correctional Officer I/II until February 28, 2001, Sheriff/Coroner.
4. Approve Committee to re-elect Congressman Condit request to waive park rules restricting amplified music for Annual Barbecue at Lake Yosemite Park – Veterans Cove on August 25, 2000, Public Works.
5. Approve and authorize Chairman to sign Right of Way Contract with Nilo Sargentini accepting Grant Deed for a parcel of land required for the Almond Avenue/Winton Way Signalization Project in the Winton area and adopt Resolution, Public Works.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000164 AND ADOPTED RESOLUTION NO. 2000-142**
6. Approve and authorize Chairman to sign Extension to Contract No. 10269 with Doctor's Medical Center for Major Trauma Patient Receiving Center services designation, Health.

7. Approve and authorize Chairman to sign Amendment to Contract No. 10067 with State Water Resources Control Board for dairy improvements in connection with the State Agricultural Drainage Management Project Animal Confinement Drainage Improvement Project and adopt Resolution, Health.  
**ADOPTED RESOLUTION NO. 2000-143**
8. Approve and authorize Chairman to sign Amendment to Contract No. 7851 with Riggs Ambulance Service for Ground Ambulance Services, Health.
9. Approve and authorize Chairman to sign Extension to Contract No. 7895 with American Medical Response for provision of performance based, advanced life support ambulance services, Health.
10. Approve and authorize Chairman to sign Renewal Contract No. 1186 with Calif. Dept. of Food and Agriculture for Nursery Stock Inspection Services, Ag. Commission.
11. Approve and authorize Chairman to sign Renewal Contract No. 5983 with Calif. Dept. of Pesticide Regulation for Pesticide Residue Sampling, Ag. Commission.
12. Approve and authorize Chairman to sign Renewal Contract No. 10235 with Merced County Jail Ministry Program for providing ministry services to inmates, Sheriff.
13. Authorize submission of 2000 Local Law Enforcement Block Grant Application through INTERNET Application Process; authorize CAO to sign said application and the Sheriff to continue as implementing agency and set public hearing for September 12, 2000 at 10:30 a.m. to consider the 2000 Local Law Enforcement Grant, Sheriff.
14. Approve and authorize Chairman to sign Amendment to Contract No. 5434 with Calif. Dept. of Aging for Senior Employment Program modified funding for July 1, 1999 through June 30, 2000, Area Agency on Aging.  
**ADOPTED RESOLUTION NO. 2000-144**
15. Approve and authorize Chairman to sign Renewal Contract No. 5434 with Calif. Dept. of Aging for Senior Employment Program for July 1, 2000-June 30, 2001, Area Agency on Aging.  
**ADOPTED RESOLUTION NO. 2000-145**
16. Approve and authorize Chairman to sign Renewal Contract No. 9966 with A Woman's Place for Domestic Abuse Counselors for CalWORKs individuals, Human Services Agency.
17. Approve and authorize Chairman to sign Renewal Contract No. 6664 with Airport Warehouse Rentals for Grogan Avenue Storage Space, Human Services Agency.
18. Approve and authorize Chairman to sign Renewal Contract No. 10027 with Mental Health for Alcohol and Drug Counseling Services to CalWORKs participants, Human Services Agency.
19. Approve and authorize Chairman to sign Renewal Contract No. 8502 with Health for provision of one Public Health/Community Health Nurse for In-Home Supportive Services Personal Care Services Program, Human Services Agency.

20. Approve and authorize Chairman to sign Renewal Contract No. 6973 with Brawley Enterprises for MAGIC Project building lease, Human Services Agency.
21. Approve and authorize Chairman to sign Amendment to Contract No. 200090 with The Center for Public Policy Studies (CSU-Stanislaus) to increase funds to monitor progress of participants in welfare to work programs, Human Services Agency.
22. Approve and authorize Chairman to sign Renewal Contract No. 9745 with A Woman's Place for Domestic Violence Counselor services, Human Services Agency.
23. Approve and authorize Chairman to sign Renewal Contract No. 9193 with Stanislaus County for provision of Inpatient Psychiatric Services for children and adolescents, Mental Health.
24. Approve and authorize Chairman to sign Renewal Contract No. 9239 with CSU-Stanislaus for provision of stipend to four master's level students in the Social Work Program, Mental Health.
25. Approve and authorize Chairman to sign Renewal Contract No. 9352 with State Dept. of Mental Health for Managed Care Specialty Mental Health Services, Mental Health.
26. Approve and authorize Chairman to sign Renewal Contract No. 5655 with Thorington Building Properties for office space (Adult Alcohol and Drug Non-Residential Program, Perinatal Program, Non-Residential Program targeting pregnant women, CalWORKs and Drug Court Treatment Programs), Mental Health.
27. Approve and accept the Merced County Pooled Investments for the Quarter Ending June 30, 2000, Treasurer.
28. Approve and authorize Chairman to sign Amendment to Contract No. 200079 with Strumpf Associates for additional training for PITD Staff and Workforce Investment Board (WIB) members for the Workforce Investment Act transitioning process, Private Industry Training Department.
- 28a. Approve and authorize Chairman to sign Renewal Contract No. 9603 with Fresno County for Inpatient Services – Short Term Acute Psychiatric Hospitalization, Mental Health.

**COMMUNITY ACTION AGENCY CONSENT CALENDAR (Items # 29 – 34)**

**APPROVED AS RECOMMENDED                      AYES: 1, 2, 4, 5                      NOT PRESENT: 3**

29. Authorize CAA Executive Director to sign Request for Year Long (January 1, 2000 through December 31, 2000) CAA Strategic Planning Project and submit to Dept. of Health and Human Services-Office of Community Services for funding in the amount of \$39,526.
30. Approve and authorize CAB Chair to sign Contract with State Dept. of Education for State Preschool Program for FY 2000/2001.

31. Approve and authorize CAB Chair to sign Amendment to Contract with State Dept. of Community Services & Development for CAA Community Services Block Grant for 1999/2000.
32. Approve and authorize CAB Chair to sign Contract with State Dept. of Community Services and Development for 2000 Weatherization and Energy-Efficient Rehabilitation Program to provide services/measures in the service area of Merced/Mariposa Counties and adopt Resolution.  
**ADOPTED RESOLUTION NO. 2000-147**
33. Approve and authorize CAB Chair to sign Contract with City of Livingston for Livingston Recreational Center as a CHERISH Site.
34. Accept CAA Information, Staff and Committee Reports on file.

**REGULAR CALENDAR**

**BOARD ACTION**

35. Health re: Contract with Sutter Merced Medical Center for the Indigent Health Care Program office space.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000165 AYES: 1, 2, 4, 5**  
**NOT PRESENT: 3**
36. Planning re: Resolution to Adjust and Establish the Level of Reimbursement for Planning Commissioners at \$75 per meeting. (HELD OVER)  
**APPROVED AND ADOPTED RESOLUTION NO. 2000-146 AYES: 1, 2, 4, 5**  
**NOT PRESENT: 3**
37. Sheriff re: Contract with Mariposa County Sheriff Department for Merced County space for refrigeration and autopsies for the deceased.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000166 AYES: 1, 2, 4, 5**  
**NOT PRESENT: 3**
38. Sheriff re: Contract for Continuance of Alternate Work Schedule for Correctional Sergeant/Senior Correctional Sergeants assigned to Main Jail and Sandy Mush Correctional Facility.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000167 AYES: 1, 2, 4, 5**  
**NOT PRESENT: 3**
39. Sheriff re: Authorization to apply for Grant Funding with California Highway Patrol to assist in collecting required demographic data as required by State.  
**APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3**
40. Human Services Agency re: Certificate of Compliance with Calif. Dept. of Veterans Affairs for continuation of participation in Merced County Veterans Services funding.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 99163 AYES: 1, 2, 4, 5**  
**NOT PRESENT: 3**

41. Human Services Agency re: Certificate of Compliance with Calif. Dept. of Veterans Affairs for Medi-Cal Cost Avoidance activities performed by the County Veteran Service Officer.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 7640**      **AYES: 1, 2, 4, 5**  
**NOT PRESENT: 3**
42. Human Services Agency re: Authorize Release of Request for Proposal for CalWORKs Employment Services for Monolingual Spanish and South East Asian participants.  
**APPROVED AS RECOMMENDED**      **AYES: 1, 2, 4, 5**      **NOT PRESENT: 3**
43. Business-Economic Opportunities re: Contract with MCAG for Geographic Information System using ArcView.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000168**      **AYES: 1, 2, 4, 5**  
**NOT PRESENT: 3**
44. Business-Economic Opportunities re: Pre-Application Proposal to U.S. Dept. of Commerce, Economic Development Administration for Grant Funding in support of developing high-tech data and telecommunications infrastructure at Castle Aviation and Development Center.  
**APPROVED AS RECOMMENDED**      **AYES: 1, 2, 4, 5**      **NOT PRESENT: 3**
45. Private Industry Training Department re: Alternate Work Schedule and Plan for Employment and Training Specialists and Assessment Technicians I/II/III assigned to the Employment Resource Center and Follow-up and Retention Unit.  
**APPROVED AS RECOMMENDED**      **AYES: 1, 2, 4, 5**      **NOT PRESENT: 3**
46. Administration re: Status of Medicare HMO's in Merced County.  
**REVIEW BOARD ORDER – SEE PAGE 10 and 11**  
**RECEIVED INFORMATION AND REQUESTED SUPERVISORS CROOKHAM AND KELSEY REPORT BACK TO THE BOARD**      **AYES: 1, 2, 4, 5**      **NOT PRESENT: 3**
- 46a. Public Works re: Contract with Kitchell for the Juvenile Justice Correctional Complex for Limited Construction Management Services subject to review of Counsel.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000170**      **AYES: 1, 2, 4, 5**  
**NOT PRESENT: 3**
- 46b. Mental Health re: Contract with Dr. David Brinks, Ph.D., for clinical supervision in the Livingston Clinic.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000169**      **AYES: 1, 2, 4, 5**  
**NOT PRESENT: 3**
47. Board of Supervisors re: Committee/Commissions and Boards.  
Housing Appeals Board  
**REAPPOINTED LOUIS FRYE AND PHIL WILSON UNTIL MARCH 26, 2003, DON SPIVA AND JIM THOMPSON UNTIL MARCH 26, 2002 AND APPOINTED DENNIS PELLISSIER UNTIL MARCH 26, 2003 TO SERVE AS MEMBERS OF THE HOUSING APPEALS BOARD**

Solid Waste Independent Hearing Panel  
**APPOINTED LEE FREMMING, REPRESENTING TECHNICAL EXPERT, AND PHIL WILSON, REPRESENTING PUBLIC MEMBER, UNTIL APRIL 7, 2002 TO SERVE AS MEMBERS OF THE SOLID WASTE INDEPENDENT HEARING PANEL**  
**AYES: 1, 2, 4, 5                      NOT PRESENT: 3**

**BOARD INFORMATION AND POSSIBLE ACTION**

**ACCEPTED AND PLACED ON FILE                      AYES: 1, 2, 4, 5                      NOT PRESENT: 3**

48. Health re: Permits and Regulations for Temporary Food Operations.
49. Private Industry Training Department re: PITD Report 2000.
50. Merced City Council re: Statement of Proceedings – Adoption of amendment to the Gateways Redevelopment Plan, thereby instituting proceedings under the California Redevelopment Law for the designated Added Area. (Copy of Map of area added and ordinance provided – On file with Clerk)
51. City of Merced-Office of Economic Development re: Gateways Redevelopment Plan Amendment Final Environmental Impact Report – Notice of Determination.
52. CALFED Bay-Delta Program re: Notice of Availability Final Programmatic Environmental Impact Statement/Report. (On file with Clerk)
53. State Board of Corrections re: Information Bulletin – County Juvenile Facility Construction Grants Program – Approved Timeline of Key Events for FY 2000-2001.
54. U.S. Dept of Interior re: Notice of Intent to Prepare a Joint Environmental Impact Statement /Environmental Impact Report for the Reintroduction of the Riparian Brush Rabbit. (On file with Clerk)
55. State Wildlife Conservation Board re: Notice of Meeting – August 10, 2000.
56. State Dept. of Conservation re: 1998 Important Farmland Map and 1996-1998 land use conversion table for Merced County. (Map submitted - On file with Clerk)
57. State Board of Equalization re: Property Tax Rule 10 – Trade Level for Tangible Personal Property – Public Hearing Notice.
58. State Board of Equalization re: Property Tax Rule 308.6 – Application for Equalization by Member, Alternate Member or Hearing Officer – Public Hearing Notice.
59. State Board of Equalization re: Property Tax Regulation 153 – Liquefied Petroleum Gas Tanks – Public Hearing Notice.
60. State Board of Equalization re: Property Tax Rules 301 – 321 and 302 – 326, Local Equalization Rules – Public Hearing Notice. (On file with Clerk)



61. Calif. Environmental Protection Agency-Dept. of Toxic Substances Control re: Public Notice – Proposed California Environmental Quality Act, Proposed Negative Declaration for the Reuse of Lead-Contaminated Soils.
62. State Dept. of Health Services re: Maternal and Child Health (MCH) Allocation Plan and Budget.
63. State Dept. of Health Services re: Fiscal Year 1999-2000 Revised California Healthcare for Indigents Program Allocation tables.
64. Calif. Workforce Investment Board re: Changes to Workforce Investment Board (WIA) Supplemental Planning Guidance. (On file with Clerk)
65. State Controller re: Loan in connection with the State-County Property Tax Administration Program authorized by Contract with State Dept. of Finance.

**THE MEETING IS RECESSED UNTIL AUGUST 10, 2000 AT 11:00 A.M.**

**BOARD ORDERS – SUMMARY ACTION MINUTES – AUGUST 8, 2000**

**10:00 A.M. SCHEDULED ITEM**  
**2000-08-08 PUBLIC OPPORTUNITY**

Dr. Paul Windham, Sutter Hospital, speaks relative to Tobacco Settlement Funds being used for Emergency Medical Service Program Upgrades.

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

Not Present: Rivero

**10:00 A.M. SCHEDULED ITEM**  
**2000-08-08 CASTLE JOINT POWERS AUTHORITY – JPA Agenda**

Supervisor Kelsey moves, seconded by Supervisor Cortez Keene, the Board allow the JPA Members to consider the Lease Agreements relative to the Challenger Learning Center and the MCAN Proposition for Board Meeting Videotaping, scheduled on the August 10, 2000 JPA Agenda.

Following discussion, Supervisor Kelsey moves, seconded by Supervisor Cortez Keene, the Board modifies the motion to include:

Allow JPA Board Members to take into consideration all Use Lease Agreements on a meeting to meeting basis with report back to the Board following each meeting.

The Chairman calls for a Vote on the Modified Motion and Original Motion.

Motion carries.

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

Not Present: Rivero

County Counsel Dennis Myers states at the Board's desire he requests the authority to work on a Document to conclude the Joint Powers Authority and return to the Board on August 22, 2000.

The Board concurs.

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

Not Present: Rivero

**ACTION ITEM NO. 46**  
**2000-08-08 ADMINISTRATION - Status of Medicare HMO's**

Supervisor Crookham reports to the Board on Senior Citizens in Merced County concerned with losing HMO's and suggests forming a committee to address these concerns.

Risk Management Benefits Advisor Cheryl Ingold assures the County does currently have Medicare Supplement however it does cost more and further explains the health plan.

Judy Steinke, Merced resident, urges the Board to address Senior Health Care Programs in a timely fashion and expresses personal concern relative to her mother.

Following further discussion, Supervisor O'Banion moves, seconded by Supervisor Crookham, duly carried, the Board appoints Supervisor Crookham and Supervisor Kelsey to put together a Task Force including State and Federal representatives, as well as representation from Area Agency on Aging, and report back to the Board relative to the Medicare HMO's in Merced County.

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

Not Present: Rivero