



**MERCED COUNTY
BOARD OF SUPERVISORS
SUMMARY ACTION MINUTES**

Regular Meeting
TUESDAY, AUGUST 29, 2000
Closed Session – 8:30 a.m.
Regular Meeting – 10:00 a.m.
Final Budget Session – 1:30 p.m. (see separate Agenda)

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 – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: It is the intention of the Board to meet in Closed Session concerning a Conference with Legal Counsel pursuant to Government Code Section 54956.9, Subdivision (c) as follows:
Pacesetter Industries, Inc., Chapter 11, Case No. 00-11523-B11; and,
Allco Trailer Manufacturing

8:30 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) Paul Fillebrown-Public Works Director pursuant to Government Code Section 54956.8, Subdivision (b) as follows:

Property/Reference: Building 871 and Ballfields
Negotiating Parties: Joe Castro

Property/Reference: Building 1147 and 1560
Negotiating Parties: Gemini Flight Support

Property/Reference: JPA Telephone System
Negotiating Parties: Country Road Communications

Property/Reference: Building 708
Negotiating Parties: Evans Security

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

RECONVENED AT 10:40 A.M. WITH ALL MEMBERS PRESENT. THE CHAIRMAN ADVISES DIRECTION WAS GIVEN TO LEGAL COUNSEL AS WELL AS PROPERTY NEGOTIATORS

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: George Popyack, Director of AFSCME-District Council 57/ Regional Vice-President

UC MERCED PROJECT

- Liaison and Project Director Report
- Actions/Direction
 1. **Counsel re: Contract for UC Planning Director-Merced County**
REVIEW BOARD ORDER – SEE PAGE 9
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000171 WITH ROBERT SMITH FOR EMPLOYMENT SERVICES AS UC PLANNING DIRECTOR WITH LANGUAGE AMENDMENT TO EXHIBIT A
AYES: ALL
- Public Comment

APPROVAL OF CONSENT AGENDA CALENDAR (Items # 1 – 15)
APPROVED AS RECOMMENDED AYES: ALL

10:00 A. M.

CASTLE JPA

- Report
- Possible Action **REVIEW BOARD ORDER – SEE PAGE 9**
 1. **Counsel re: Modification of Joint Powers Agreement**
 2. **Letter from City of Atwater requesting the Board consider and approve Atwater City Council action to withdraw from the Castle Joint Powers Authority effective immediately****AUTHORIZED CHAIRMAN TO SIGN AMENDMENT TO CONTRACT NO. 2000211 – JOINT POWERS AGREEMENT SUBJECT TO FINAL RECEIPT OF THE DOCUMENT FROM THE CITY OF ATWATER UNDERSTANDING APPROVAL IS SUBJECT TO COUNSEL REVIEW AND IF PROBLEMS OCCUR, BRING IT BACK TO THE BOARD AYES: ALL**

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

LATE AGENDA ITEM: REVIEW BOARD ORDER – SEE PAGE 11
THE BOARD FINDS THE NEED, SUBSEQUENT TO THE POSTING OF THE AGENDA, TO TAKE ACTION ON FUNDS FROM STATE BOARD OF CORRECTIONS AND PLACES THE ITEM ON THE AGENDA FOR CONSIDERATION AYES: 1, 3, 4, 5 NOT PRESENT: 2
AUTHORIZED CONTRACT WITH STATE BOARD OF CORRECTIONS TO ACCEPT FUNDING IN THE AMOUNT OF \$600,000 IN COMPLIANCE WITH TERMS OF GRANT CONTRACT FOR COMMITMENT TO BUILD TWO MALE DORMITORIES AT CORRECTIONAL FACILITY
AYES: 1, 3, 4, 5, NOT PRESENT: 2

REPORTS/BOARD DIRECTION

County Administrator
County Counsel
County Auditor
Board of Supervisors Members

LUNCH BREAK

1:30 P. M.

FINAL BUDGET HEARINGS SESSION BEGINS

(see separate Final Budget Hearings Agenda)

CONSENT CALENDAR (Items #1 - 15)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Authorize use of Courthouse Park on September 21, 2000 from 4:00-7:00 p.m. for a political celebration to kickoff the campaign of Lee Andersen for County Superintendent of Schools and waive restrictions on amplified sound equipment.

REVIEW BOARD ORDER – SEE PAGE 9

2. Approve discharge of Accountability for Collection of Past Due Landfill Account No. 4372 totaling \$6,624.53.
3. Adopt Resolution accepting Right of Way and Grant Deed Contract from Sol/Elemia Mark for a parcel of land required for the Delhi Drainage Project.
ADOPTED RESOLUTION NO. 2000-154 AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000174

Health

4. Approve and authorize Chairman to sign Renewal Contract No. 8345 with Mariposa County for Household Hazardous Waste Collection and Disposal Services.
5. Approve and authorize Chairman to sign Certification Statement for the Child Health and Disability Prevention Program and California Children's Service Plan and Budget.
6. Approve and authorize Chairman to sign Amendment to Contract No. 10269 with Doctor's Medical Center for clarification of administrative issues and extension until June 30, 2002 in connection with the Major Trauma Patient Receiving Center (MTPRC) designation.

Ag. Commission

7. Approve and authorize Chairman to sign Renewal Contract No. 9191 with Calif. Dept of Food and Agriculture for Nursery Stock Nematode Control Program.

Human Services Agency

8. Approve and authorize Chairman to sign Renewal Contract No. 10077 with Localink, Inc. to provide coordination with the faith-based community.
9. Approve and authorize Chairman to sign Renewal Contract No. 7020 with A Woman's Place for provision of services to victims of domestic violence.
10. Approve and authorize Chairman to sign Renewal Contract No. 9356 with Merced County Office of Education to provide the Family Preservation/Family Support Services Program funding.

Mental Health

11. Approve and authorize Chairman to sign Renewal Contract No. 9123 with Valley Behavioral Health Network, LLC, dba Cedar Vista Hospitals for provision of Inpatient Psychiatric Services for Medi-Cal beneficiaries.
12. Approve and authorize Chairman to sign Amendment to Contract No. 99181 with State Dept. of Alcohol and Drug Programs for the Drug Court Partnership Program Project extending funds to June 30, 2001.
13. Approve and authorize Chairman to sign Renewal Contract No. 9241 with Valley Behavioral Health Network LLC dba Cedar Vista Hospitals, Inc. for non Medi-Cal consumers.

Business-Economic Opportunities

14. Set public hearing for September 19, 2000 at 10:30 a.m. to consider Annual Grantee Performance Report and past Community Development Block Grant Performances.

ADMINISTRATION

15. Approve Travel Request for Mental Health as recommended by Administration.

REGULAR CALENDAR

BOARD ACTION

HEALTH

16. Contract with State Dept. of Health Services-AIDS Division for Housing Opportunities for Persons with AIDS.
APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000175
AYES: ALL
17. Contract with State Dept. of Health Services for the Family Violence Prevention Strategic Planning Project.
APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000176
AYES: ALL
18. Contract with VIA Adventures, Inc. to implement a new transportation service directed towards women and children and their medical and social service needs under the "Going Places" Project.
PULLED FROM AGENDA – NO ACTION TAKEN

PUBLIC WORKS

19. Review and approve Public Facilities Impact Fees 1999/2000 Annual Report.
APPROVED AS RECOMMENDED **AYES: ALL**

HUMAN SERVICES AGENCY

20. Contract with Moss Beach Homes, Inc. for Answers Benefiting Children, Great Beginnings Program Grant Funding.
APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000177
AYES: ALL

ADMINISTRATION

21. Capital Case Defense Contracts with William Davis for hourly rate of \$90 and Dominic Falasco for hourly rate of \$80 in connection with Superior Court Case Number 24603.
REVIEW BOARD ORDER – SEE PAGE 10
APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000178 WITH DOMINIC FALASCO AND CONTRACT NO. 2000179 WITH WILLIAM DAVIS FOR SPECIAL CAPITAL CASE DEFENSE SERVICES **AYES: ALL**

22. Authorize use of Tobacco Settlement Revenues towards the following Countywide Projects which will benefit all residents of the County: Phase I and II of a new Juvenile Facility, new Animal Control Facility, County Fire Emergency Medical Response and Indigent Health Care and direct staff to return to the Board upon completion of the Securitization process with recommendations for allocation of funding to these projects.

REVIEW BOARD ORDER – SEE PAGE 10

MODIFIED RECOMMENDATION ELIMINATING COUNTY FIRE EMERGENCY MEDICAL RESPONSE AND INDIGENT HEALTH CARE WITH THE UNDERSTANDING DISCUSSION WILL REMAIN OPEN FOR THE MONEY THAT IS IN EXCESS OF THOSE PROJECTS IDENTIFIED FOR FURTHER CONSIDERATION TO CITIES AND COMMUNITY HEALTH ALLIANCE **AYES: 1, 2, 3, 4** **NOES: 5**

PLANNING

23. Authorize submission of the Agricultural Transaction Program (ATP) Grant Application sponsored by the Great Valley Center to become a potential partnership community in the Central Valley.

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

BUSINESS-ECONOMIC OPPORTUNITIES

24. PULLED.

25. Adopt Resolution approving the infrastructure, telecommunications and vision updates to the Job Creation Investment Fund Plan which serves as the Comprehensive Economic Development Strategy for the County.

APPROVED AND ADOPTED RESOLUTION NO. 2000-155

AYES: 1, 3, 4, 5 **NOT PRESENT: 2**

26. Authorize inclusion of demolition to WWII Wooden Structures or 1950's Concrete Block Dormitories Buildings that have asbestos or lead based paint contamination at Castle and authorize update to the Pre-Application for U.S. Dept. of Commerce Grant Funding previously approved by the Board on August 8, 2000.

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

GENERAL SERVICES

27. Contract with Robert/Yvonne Ayers and Margaret Lawler for office space for District Attorney Victim Services, Child Abduction and Workers Comp Fraud Units.

APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000180

AYES: 1, 3, 4, 5 **NOT PRESENT: 2**

28. Contract with Robert/Yvonne Ayers and Margaret Lawler for office space for District Attorney Domestic Violence/Sexual Assault Program.

APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 8709

AYES: 1, 3, 4, 5 **NOT PRESENT: 2**

BOARD APPOINTMENTS

29. Board of Supervisors re: Committee/Commissions and Boards.

Advisory Board on Alcohol and Other Drug Problems

**APPOINTED KATHY HASSETT AS HUMAN/SOCIAL SERVICES REPRESENTATIVE
TO SERVE ON THE ADVISORY BOARD ON ALCOHOL AND OTHER DRUG
PROBLEMS TO SERVE AT THE PLEASURE OF THE BOARD AYES: 1, 3, 4, 5
NOT PRESENT: 2**

BOARD INFORMATION AND POSSIBLE ACTION

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

30. Sheriff re: Annual Financial Reporting – Inmate Welfare Trust Fund.
31. State Dept. of Forestry and Fire Protection re: Announce of Appointments to the Madera-Mariposa-Merced Unit.
32. San Joaquin Valley Air Pollution Control District re: Letter to support Kern County Air Pollution Control District's contention that the Eastern portion of Kern County should not be "bumped up" to severe nonattainment for ozone but should be granted an extension pursuant to U.S. EPA's policy set forth in the Federal Register on March 25, 1999.
33. State Dept. of Youth Authority re: Proposal to amend proposed regulations–Medical/Dental Services and add proposed regulations – Mental Health System. (On file with Clerk)
34. State Dept. of Youth Authority re: Notice of Proposed Rulemaking–Correspondence. (On file with Clerk)
35. State Dept. of Fish and Game re: Questionnaire - development of potential options for management of the nearshore finfish fishery in the interim period until the Nearshore Fishery Management Plan is developed and implemented by January 2002.
36. State Dept. of Water Resources re: Agenda for first meeting of the Governor's Advisory Drought Planning Panel.
37. U.S. Fish and Wildlife Service re: News Release – Workshop on proposal to expand the East Grasslands Wildlife Management Area to be held in Merced on September 6, 2000 at Merced County Agricultural Center-2135 Wardrobe Ave., Merced from 6:30 – 8:30 p.m.
38. State Dept. of Health Services re: Fiscal Year 2000/2001 State Public Health Subvention Program – Certification of the State Financial Assistance and State Public Health Subvention Program allocations calculated pursuant to Senate Bill 2877.
39. MBK Engineers re: Copy of Petition for temporary change to facilitate the transfer of water from Merced Irrigation District to the Dept. of Interior during October-December, 2000 – Transfer of water that is presently stored or used in the counties of Merced and Mariposa for beneficial use within the counties of San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare and Kern pursuant to Water Code Section 1726 (On file with Clerk)

RECESSED AT 12:05 P.M. AND RECONVENED AT 1:30 P.M. TO MEET IN CONTINUED BOARD SESSION FOR FINAL BUDGET HEARINGS

SUMMARY ACTION MINUTES – AUGUST 29, 2000 – BOARD ORDERS

10:00 A.M. SCHEDULED ITEM

2000-08-29 COUNSEL – UC Merced Project

Following discussion and upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2000171 with Robert Smith for employment services as the UC Project Planning Director with Amendment to Exhibit A as follows:

The Merced County UC Project Planning Director may be called upon from time to time to respond to questions, provide information, and to participate in UC Project Office activities not related to the County General Plan, including acting on behalf of the UC Project Director when directed to do so by the UC Project Director.

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

10:00 A.M. SCHEDULED ITEM

2000-08-29 ADMINISTRATION - CASTLE JPA

Following a lengthy discussion and upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2000211 terminating the Joint Exercise of Powers Agreement between the County of Merced and the City of Atwater and for the Transfer of Responsibility for decisions in all matters pertaining to the implementation of business enterprise and economic development strategies for Castle Airport, Aviation and Development Center (formerly Castle Air Force Base) to the County of Merced acting as the Local Redevelopment Authority subject to final receipt of the document from the City of Atwater and upon review of County Counsel.

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

CONSENT ITEM NO. 1

2000-08-29 PUBLIC WORKS- Use of Courthouse Park

Upon motion of Supervisor Rivero, seconded by Supervisor Kelsey, duly carried, the Board authorizes the Lee Andersen for County Superintendent of Schools Committee to use Courthouse Park on Thursday, September 21, 2000 from 4:00 p.m. to 7:00 p.m. for a political celebration including the placement of political signs during the event and waive the restriction on the use of amplified sound equipment so that a local high school jazz band can provide entertainment during the rally.

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

ACTION ITEM NO. 21

2000-08-29 ADMINISTRATION – Capital Case Defense

Upon motion of Supervisor Crookham, seconded by Supervisor Rivero, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2000178 with Dominic Falasco at an hourly rate of \$80 per hour and Contract No. 2000179 with William Davis at an hourly rate of \$90 per hour for Case No. 24603/MF27392, Capital Case Defense.

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

10:00 A.M. ACTION ITEM NO. 22

2000-08-29 ADMINISTRATION – Tobacco Settlement Revenues

City of Los Banos Mayor Mike Amabile appears before the Board on behalf of the Mayors Council and respectfully requests the County share the Tobacco Settlement Revenues with the Cities.

Dieter Poetsch speaks in opposition of the recommendation for distribution of the Tobacco Settlement Revenues.

AFSCME Representative Judy Steinke states the employees are Merced County's number one natural resource and should not be forgotten in the distribution of the Tobacco Settlement Revenues.

Ned Miller, representing Merced County Health Care Alliance, states the American Heart Association initially started the lawsuit and strongly encourages the Board to devote a portion of the Tobacco Settlement Revenues to healthcare.

Paul Williams, representing Merced County Health Care Alliance, speaks in concern stating without knowing the total cost, this may severely limit or reduce the money going to healthcare.

Following a lengthy discussion, Supervisor Rivero moves, seconded by Supervisor Crookham, the Board authorize the use of Tobacco Settlement Revenue to the following projects which benefit all residents of the County: Phase I and Phase II of a new Juvenile Facility, new Animal Control Facility and eliminate the County Fire Emergency Medical Response and Indigent Health Care projects with the understanding discussion will remain open for the money that is in excess of those projects identified for further consideration for cities and community health alliance and directs Staff to return to the Board upon completion of the securitization process with recommendations for allocation of funding to these projects.

Gustine City Manager Amy Span and Los Banos Mayor Amabile speak in support of the windfall funds going to the local cities.

Following discussion, the Chairman calls for a Vote on the Motion.

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

Ayes: Cortez Keene, Crookham, Rivero, Kelsey

Noes: O'Banion

10:00 A.M. LATE ITEM

2000-08-29 PUBLIC WORKS – Application for Grant Funds

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Kelsey, duly carried, the Board finds a need, subsequent to the posting of the agenda, to take action on acceptance of grant funds and places the item on the agenda for consideration.

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

Not Present: Crookham

Following discussion and upon motion of Supervisor Rivero, seconded by Supervisor Cortez Keene, duly carried, the Board authorizes Public Works to contact the State Board of Corrections (BOC) indicating the County's interest in accepting the Grant Funds of \$600,000 and providing assurance to the State BOC of the County's commitment to provide the necessary match in connection with the Application for Grant Funds under the Juvenile and Adult Local Detention Construction Grants (Two Male Dormitories-Correctional Facility) and that the project will be built to the full scope originally approved for funding by the State BOC in compliance with all terms and conditions of the State/ County grant contract.

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

Not Present: Crookham