



SUMMARY ACTION MINUTES

MERCED COUNTY BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, APRIL 23, 2002

Closed Session – 8:00 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

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

DEMITRIOS O. TATUM
COUNTY EXECUTIVE 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

8:00 A. M.

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9: Four Case(s)

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 as follows:

Nunes/Koehler (Riggs Ambulance) v. County of Merced

Cecena v. County of Merced

THE BOARD RECONVENED AT 10:20 A.M. WITH SUPERVISOR

KELSEY NOT PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF

10:00 A. M.

PLEDGE OF ALLEGIANCE

INVOCATION

MERCED COUNTY 2001 VOLUNTEER RECOGNITION AWARDS

Presented by Supervisor Cortez Keene:

LARRY GONZALES – Planada Beautification Project

MARGARET WARMACK – Housing Authority

Presented by Supervisor Crookham:

ELIZABETH LYELL, D.D.S. – Mighty Mouth Dental Program

AMANDA GIPE -

NICOLE SHELTON – Mercy Dominican Student Volunteers

Presented by Supervisor Rivero:

MIKE SALVADORI – Various Organizations

AMERICAN LEGION VETERANS OF FOREIGN WARS-HONOR

GUARD – American Legion/VFW Honor Guard

BOB KIRGAN – Merced Police Department Volunteers

JAPANESE AMERICAN CITIZENS' LEAGUE – Tenaya Middle

School/UC Scholars Mentorship Program

Presented by Supervisor O'Banion:

**LONG TERM CARE VOLUNTEERS – Merced County Long Term
Car Ombudsman Volunteers**

**LOS BANOS PARLOR NO. 206 NATIVE SONS OF THE GOLDEN
WEST – Native Sons of the Golden West**

PHIL FANELLI – Individual/Ag Education

**A RECEPTION WAS HELD IN ROOM 310 HELD IN HONOR OF THE
AWARDS**

ADMINISTRATION - STRATEGIC FORCAST

PRESENTED AND REVIEWED BY CEO DEMITRIOS TATUM

**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: John Fowler

UC MERCED PROJECT - LIAISON REPORT

RECEIVED REPORT FROM UC LIAISON KATHLEEN CROOKHAM

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote
Required) Probation-\$40,000**

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

APPROVAL OF CONSENT AGENDA CALENDAR (Item # 1 - 16)
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT
PRESENT: 4

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

ADDED AGENDA ITEM
REVIEW BOARD ORDER – SEE PAGE 9
THE BOARD FINDS THE NEED, SUBSEQUENT TO THE POSTING
OF THE AGENDA, TO CONSIDER SUBMISSION OF PRE-APPLICATION
OF POTENTIAL GRANT FUNDING FROM EDA FOR CASTLE PROJECT
AYES: 1, 2, 3, 5 NOT PRESENT: 4

10:30 A. M.

ADMINISTRATION

**Review of decision of the Merced County External Hearing Officer
of an appeal filed by an employee of the Probation Department**
CONTINUED TO MAY 7, 2002 BOARD MEETING

REPORTS/BOARD DIRECTION

County Administrator
County Counsel
County Auditor
Board of Supervisors Members

LUNCH BREAK

CONSENT CALENDAR (Items # 1 - 16)

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

Budget Transfers

1. Approve Budget Transfers as recommended by Administration: Public Works-\$50,000 (#072) and \$1,500 (#077); District Attorney-Family Support-\$179,700; Human Services Agency-\$6,750 and Assessor-\$14,500.

Public Works

2. Approve Planada Community Day and Le Grand Community Day Committee to waive park rules restricting amplified music for May 11th (Planada) and May 25 (Le Grand) Celebrations.
3. Waive the restriction of use of amplified music on May 5, 2002 for Joseph Gallo Farms Company Picnic Group at Haganan Park (Mahoney Picnic Shelter) and May 17, 2002 for Merced County Animal Shelter Fundraiser at Lake Yosemite (Fish & Game Building) for use of county park facilities.
4. Authorize Merced County Bar Association to use Courthouse Park Facilities on May 2, 2002 for Law Day Activities subject to conditions.

REVIEW BOARD ORDER – SEE PAGE 9

5. Authorize Overhire of one Road Superintendent (Position No. 008) for period of May 6, through July 19, 2002.
6. Adopt Resolution authorizing installation of Stop Signs on Mendes and Tony Courts at their intersection with Station Avenue located in Atwater.

ADOPTED RESOLUTION NO. 2002-53

Mental Health

7. Adopt Resolution authorizing the Chairman to sign Amendment to Contract No. 200170 with State Dept. of Alcohol and Drug Programs for the Comprehensive Drug Court Implementation Grant extending the term to June 30, 2002.

ADOPTED RESOLUTION NO. 2002-54

8. Adopt Resolution authorizing the Chairman to sign Amendment to Contract No. 99181 with State Dept. of Alcohol and Drug Programs for Drug Court Partnership Program Grant.

ADOPTED RESOLUTION NO. 2002-55

9. Proclaim the Month of May, 2002 as Drug Court Month in Merced County.

Human Services Agency

10. Approve and authorize Chairman to sign Amendment to Contract No. 99080 with Catholic Charities of the Diocese of Fresno to modify funding and decrease contract amount by \$14,771.

District Attorney

11. Proclaim April 21 - 27, 2002 as "Crime Victims Rights Week" in Merced County.

Board Recognition

12. Authorize Certificates of Recognition to the following selected by the Atwater Veterans of Foreign War Post 9946: Adam Tacheira-Deputy Sheriff of the Year, Vic Mockus-Correctional Officer of the Year, Mike Maciel-Volunteer Firefighter of the Year, Scott Phillips-Career Firefighter of the Year, Juan Sufuentes-Reserve Police Officer of the Year, Tyna Lamison-Employee of the Year for Atwater Police, Sergeant Randy Carrothers-Police Officer of the Year for Atwater and Bill Garrison for Volunteer of the Year for Atwater Police.
13. Authorize Certificates of Recognition to the following selected by the American Legion Post No. 83: Fire Apparatus Engineer Scott Phillips for Atwater City Firefighter of the Year; City Volunteer Mike Maciel for Atwater City Firefighter of the Year; Volunteer Chief John Hillhouse for Dos Palos City Firefighter of the Year; Volunteer Chief Eric Popish for Los Banos City Firefighter of the Year; Fire Fighter Porfiro "Pilo" Silva for Merced City Firefighter of the Year and Firefighter Valarie Onstine for Gustine City Firefighter of the Year; Fire Apparatus Engineer Matthew Watson for Merced County Firefighter of the Year and Firefighter Machielle Raymond for Merced County Firefighter of the Year.
14. Authorize Certificates of Recognition to Debbie Wharton and Gary Rovig as recognition by the Atwater Rotary Club as Outstanding Educator of the Year.
15. Authorize Certificates of Recognition to the Mattress Store recognizing the Ribbon Cutting on April 10, 2002.

Claims for Damages

16. Act on Claim for Damages received from Kenneth Walton as recommended by Risk Management.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS-CASTLE

17. Sublease Contract for Building No. 1340 with Civil Air Patrol for a portion of the building to be used for training and meetings.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200271 AYES: 1, 2, 3, 5
NOT PRESENT: 4**

PUBLIC WORKS

18. Authorize Staff to reject current bids and continue investigation of options that will allow "The Bus" to purchase a Mobile Digital Video Surveillance System.

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

19. PULLED

BUSINESS-ECONOMIC OPPORTUNITIES

20. Contract with Michael Ort in the amount not to exceed \$22,500 for assistance in the development of a Request for Proposal for a communications provider at Castle.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200272 AYES: 1, 2, 3, 5
NOT PRESENT: 4**

FIRE

21. Resolution authorizing Office of Emergency Services participation in the State Domestic Preparedness Equipment Program.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200273 AND ADOPTED
RESOLUTION NO. 2002-57 AYES: 1, 2, 3, 5 NOT PRESENT: 4**

22. Authorize Fire to apply for a Grant with Office of Traffic Safety to purchase needed equipment to first out fire engineers (emergency response improvements) and authorize the County Fire Chief to sign as the authorizing official.

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

23. Resolution authorizing Office of Emergency Services to participate in Hazardous Material Emergency Preparedness Grant.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200274 AND ADOPTED
RESOLUTION NO. 2002-58 AYES: 1, 2, 3, 5 NOT PRESENT: 4**

SHERIFF

24. Authorize use of Ron's Marine to repair and complete maintenance requirements for the 1987 Alumaweld Boat and approve the necessary budget transfer. (4/5 Vote Required)

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

HEALTH

25. Review the Impact Evaluation Report regarding the proposed closure of Dos Palos Hospital Emergency Services and direct EMS to forward the Report to the appropriate State Agencies for review and action.

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

SPRING FAIR

26. Entertainment Contract for May Day Fair for May 2, 2002 in the amount of \$30,000.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200268 WITH TRACY LAWRENCE AYES: 1, 2, 3, 5 NOT PRESENT: 4

MENTAL HEALTH

27. Amended Contract with Los Banos Drug Company for Pharmacy Services and approve the necessary budget transfer-\$35,000

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 9341 AYES: 1, 2, 3, 5 NOT PRESENT: 4

28. Amended Contract with Delhi United Drugs for Pharmacy Services and approve the necessary budget transfer-\$10,000

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 9476 AYES: 1, 2, 3, 5 NOT PRESENT: 4

HUMAN SERVICES AGENCY

29. PULLED.

PRIVATE INDUSTRY TRAINING DEPARTMENT

30. Contract with ERISS Corporation for the Employer Survey and approve the necessary budget transfer-\$20,200.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200275 – West Application Agreement and CONTRACT NO. 200276 – Employer Survey AYES: 1, 2, 3, 5 NOT PRESENT: 4

ADMINISTRATION

31. Adopt modified class specifications to the Distinguishing Characteristics, Reports To, Examples of Duties, Essential Functions, and Desirable and Minimum Qualifications for the Assistant Treasurer/Tax Collector and the Desirable and Minimum Qualifications for the Treasurer/Tax Collector Administrative Services Supervisor.

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

32. Resolution authorizing the financing of the Merced County Transit Facility.

APPROVED RECOMMENDATION AND ADOPTED RESOLUTION NO. 2002-59 AYES: 1, 2, 3, 5 NOT PRESENT: 4

33. Resolution authorizing the incorporation of the Merced County Public Facilities Corporation.

APPROVED RECOMMENDATION AND ADOPTED RESOLUTION NO. 2002-60 AYES: 1, 2, 3, 5 NOT PRESENT: 4

34. Resolution authorizing the approval of the Revenue Sharing Agreement with the City of Atwater.

REVIEW BOARD ORDER – SEE PAGE 10

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200270 AND ADOPTED RESOLUTION NO. 2002-56 AYES: 1, 2, 3, 5 NOT PRESENT: 4

35. PULLED.

36. Authorize the Assessor's Office to provide copies of the high-resolution aerial imagery dataset of Merced County to the California Waterfowl Association for nonprofit use, subject to their written declaration that the data will not be reproduced or sold to others.

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

DISTRICT ATTORNEY

37. Resolution authorizing the District Attorney to submit the Grant Proposal to the Office of Criminal Justice Planning for federal funding for the Merced County Anti-Drug Abuse Enforcement Program for FY 2002/2003.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200269 ND ADOPTED RESOLUTION NO. 2002-61 AYES: 1, 2, 3, 5 NOT PRESENT: 4

BOARD APPOINTMENTS

38. Appoint Stan Thurston to serve as a member of the San Joaquin Valley Rail Committee.

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

BOARD INFORMATION & POSSIBLE ACTION

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

39. Human Services Agency re: Merced County Community Forum Coalition - Youth Expo 2002.
40. Sheriff re: Grant Applications from Winton School District, Planada Elementary School District and Atwater Elementary School District for the School Community Policing Partnership Program offered by the California Dept. of Education and the Office of the Attorney General; the Sheriff will return to the Board for final approval should any district be successful. (On file with Clerk)
41. U.S. Dept. of Transportation re: Negative Declaration and Finding of No Significant Impact - The Atwater Freeway Project located in Merced County near the City of Atwater on State Route 99 from 0.4 kilometers (0.3 miles) north of the Atwater Overhead to 0.4 kilometers south of Arena Way. (On file with Clerk)
42. Central Valley Regional Water Quality Control Board re: Notice of Meeting set for April 26, 2002.
43. CALFED Bay-Delta Program re: Water Supply Subcommittee Meeting on April 24, 2002 in Sacramento.
44. State Dept. of Transportation re: Copy of Resolution - Relinquishment of Highway Right of Way in the County of Merced - Road 10-Mer-99-PM 28.2/R32.7, Request No. 13898.
45. State Dept. of Transportation re: Copy of Resolution - Relinquishment of Highway Right of Way in the County of Merced, Road 10-MER-152-PM 11.3/11.7, Request No. 14119.

46. State Board of Equalization re: Property Tax Committee Work Plans for 2002 - access through www.boe.ca.gov under the Property Tax Committee Work Plans. (On file with Clerk)
47. State Board of Equalization re: Update of Assessor's Handbook Section 504, Assessment of Personal Property and Fixtures - interested parties may submit proposed revisions until May 28, 2002. (On file with Clerk)
48. State Dept. of Justice re: State of California ex rel. Phillip M. Adams v. Toshiba, et al., San Francisco Superior Court, Case No. 99-9978, Toshiba Settlement Distribution – Merced County's share of the proceeds.

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF DR. ROBERT NOLI AND EDWARD OVATT UNTIL TUESDAY, MAY 7, 2002 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – APRIL 23, 2002

CONSENT ITEM NO. 4

2002-04-23 PUBLIC WORKS

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board authorizes the Merced County Bar Association to use Courthouse Park Facilities for Law Day activities on May 2, 2002, and approves the closure of the interior streets of Courthouse Park and further approves the following:

1. The Merced Breakfast Lions Club to operate a concession serving sandwiches and soft drinks.
2. The Bar Association to conduct tours of the current Court Facilities and the Old Courthouse Museum.
3. Use of electrical outlets at the base of Old Courthouse steps for District Judge Damrell's presentation.
4. Provide portable restroom units at no cost to the county of Merced.
5. Set up informational tables on the various organizations of the legal community.
6. Require liability insurance, naming the County of Merced as an additional insure, including product liability to cover the Lions Club concession in the amount as determined by Risk Management.

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

Not Present: Kelsey

ACTION ITEM NO. 32

2002-04-23 ADMINISTRATION

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board approves the financial documents for the financing of the construction of the Merced County Transit Facility and authorizes the officers of the county to sign any documents necessary to complete the financing and authorizes the execution and delivery of the following contracts: No. 2002146-Installation Purchase Agreement, No. 2002147 - Installation Sale Agreement and No. 2002148 - Trust Agreement and adopts Resolution No. 2002-59.

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

Not Present: Kelsey

ACTION ITEM NO. 33
2002-04-23 ADMINISTRATION

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board approves the formation of the Merced County Public Facilities, appoints the Board of Supervisors as the Board of Directors of the Corporation, adopts the Articles of Incorporation and the By Laws for the Merced County Public Facilities Corporation and adopts Resolution No. 2002-60.

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

Not Present: Kelsey

ACTION ITEM NO. 34
2002-04-23 ADMINISTRATION

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board approves the Revenue Sharing Agreement with the City of Atwater, authorizes the Chairman to sign Contract No. 200270 – Property Tax Sharing Agreement between the City of Atwater and the County of Merced and adopts Resolution No. 2002-56.

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

Not Present: Kelsey