



SUMMARY ACTION MINUTES

MERCED COUNTY BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, NOVEMBER 05, 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 REAL PROPERTY NEGOTIATOR: It is the intention of the Board to meet in Closed Session with Michael Ford, Director of Public Health, concerning the terms and conditions of the Hospital Lease Agreement between Merced County and Catholic Healthcare West for the operation of Mercy Medical Center Merced - Community Campus pursuant to Section 54954.5

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: Three 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:

Name of Case: Cecena v. County of Merced

Name of Case: Mendoza, Juarez v. County of Merced

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 Negotiations 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 and Deputy Sheriff Association, Unit 10

THE BOARD RECESSED INTO CLOSED SESSION 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

10:00 A. M.

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS

Merced County Chamber of Commerce Board of Directors

The County Chamber Board of Director Members and Executive Director Julius Pekar present the Bronze Award from the State Fair Exhibit and Honorary Life Time Member Certificates in recognition of smart growth in the County of Merced

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)

UC MERCED PROJECT - LIAISON REPORT

RECEIVED REPORT FROM UC LIAISON KATHLEEN CROOKHAM

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Mental Health-\$6,000, Sheriff-\$6,500 and Risk Management-\$12,000

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 21)

APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:30 A. M.

MENTAL HEALTH - PUBLIC HEARING, PROPOSED ORDINANCE AND POSSIBLE ADOPTION

An Ordinance to Establish Fees for Aftercare Services provided by Mental Health Alcohol and Drug Services

REVIEW BOARD ORDER – SEE PAGE 11

PLANNING/ ASSESSOR - PUBLIC HEARING

To consider Resolution to amend the Agricultural Preserve per the requirements of the Land Conservation Act of 1965 (Williamson Act) Section 51200 et. sq. of the California Government Code

REVIEW BOARD ORDER – SEE PAGE 12

REPORTS/BOARD DIRECTION

County Executive Officer
County Counsel
County Auditor
Board of Supervisors Members

LUNCH BREAK

11:00 A. M.

RECESS AS A BOARD OF SUPERVISORS AND CONVENE TO MEET AS A PUBLIC AUTHORITY

IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY

Resolution to adopt In-Home Supportive Services Public Authority General Rules of Procedure

REVIEW BOARD ORDER – SEE PAGE 12

CONSENT CALENDAR (Items # 1 - 21)

APPROVED AS RECOMMENDED AYES: ALL

Budget Transfers

1. Approve Budget Transfers received from Sheriff-\$5,200; Assessor-\$377; Fire-\$2,000; Health-\$3,200 and Public Works-\$16,987 (#012) as recommended by Executive Office.

Claims for Damages

2. Act on Claims for Damages submitted by Monica Robinson, Adolfo Ochoa, Lilia Estrada, Japinder Singh, Wilbur Thomas, George Alvarez, Long Xiong, Rose Barboa, Gary Ferrero and Linda Hardcastle.

Probation

3. Approve and authorize Chief Probation Officer to sign Renewal Contract No. 2002212 with Merced/Mariposa Narcotic Task Force for period of FY 2002/03 and 2003/04.

4. Approve and authorize Chairman to sign Renewal Contract No. 2002213 with CSU-Stanislaus to continue the S.O.B.E.R. Program.

Public Works

5. Approve and authorize Chairman to sign Amendment to Contract No. 2001235 with State Reclamation Board for construction of replacement bridge across Edendale Creek on Oakdale Road.
6. Adopt Resolution of Appreciation commending Quinnion Reid for 33 years of outstanding service to the County of Merced.

Ag. Commissioner

7. Adopt Resolution authorizing Chairman to sign Contract No. 1133 with Calif. Dept. of Pesticide Regulation for Pesticide Regulatory Enforcement Services.
ADOPTED RESOLUTION NO. 2002-211
8. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 7513 with Calif. Dept. of Food and Agriculture for Insect Pest Detection/Prevention.
ADOPTED RESOLUTION NO. 2002-212

Sheriff

9. Approve and authorize Chairman to sign Renewal Contract No. 8749 with Housing Authority of the County of Merced for additional law enforcement services at the South Dos Palos and Globe Avenue Homes.

Executive Office

10. Set first reading of An Ordinance to Establish a Court Security Division in the Sheriff Department pursuant to the provisions of Calif. Government Code Section 26638.5 for November 12, 2002 at 10:30 a.m. and set second reading and possible adoption for December 3, 2002 at 10:30 a.m.

Board of Supervisors Office

11. Set public hearing for December 3, 2002 at 10:30 a.m. to consider an Appeal to Planning Commission decision submitted by Maynard Medefind to Zone Variance Application No. 02023 and Minor Subdivision Application No. 020142.

Planning

12. Authorize County employees to participate in United Way Campaign, authorize Planning to conduct the campaign for county employees and authorize the use of payroll deduction; direct all department heads to appoint a department coordinator and adopt proclamation supporting United Way efforts in the County of Merced.

Health

13. Proclaim December 1, 2002 as Observance of World AIDS Day in Merced County and urge all citizens to take part in activities to increase awareness and understanding of HIV/AIDS.

Community Action Agency

14. Approve and authorize CAB Chair to sign Amendment to Contract with Casitas Del Sol Partners that reflects an increase of \$150 per month in rental payment due to utilities expense for the Livingston Head Start Center.
15. Approve and authorize CAB Chair to sign Amendment to Contract with State Dept. of Community Services and Development for an increase in funding for the Low Income Home Energy Assistance Program.
16. Approve and authorize CAB Chair to sign Amendment with State Dept. of Community Services and Development for an increase of funding for the Dept. of Energy Weatherization Assistance Program for Low-Income Persons.
17. Approve and authorize CAB Chair to sign Contract with Atwater Elementary School District for the Atwater Mitchell Head Start Center facility.
18. Accept and place CAA Information, Staff and Committee Reports on file.

Board Recognition

19. Proclaim the month of October, 2002 as Domestic Violence Awareness Month in Los Banos.
20. Authorize Certificates of Recognition to Barbara Ward, Kathy Hassett and Sylvia Smith for selection by the Merced Business and Professional Women as Working Women of the Year.

Travel Requests

21. Approve Travel Requests submitted by Business-Economic Opportunities, Dept. of Workforce Investment and Health as recommended by Executive Office.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS-CASTLE

22. Purchase of Tow-behind Pickup Sweeper for Castle Airport to combat Foreign Aircraft Damage to aircraft and request for transfer of funds from the Castle Auction proceeds into Fixed Asset Account 84222 for said purchase, authorize request for bids and issuance of Purchase Order and approve necessary budget transfer-\$7,500. (#017)

APPROVED AS RECOMMENDED AYES: ALL

23. Authorize Castle Airport Landlord's Agreement by Merced County to the Small Business Administration for a Loan Agreement with Castle Knight's Aviation, Inc. and authorize Chairman to sign.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002210 AYES: ALL

24. Release of the Request for Qualifications seeking a Master Developer or Master Developers for the education/R&D/high-tech and industrial parcels at Castle Airport.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

25. Request for approval of Merced County Sheriff Department Return Badge Policy.

REVIEW BOARD ORDER – SEE PAGE 10

APPROVED AS RECOMMENDED AYES: ALL

26. Authorization for the Sheriff to apply for additional free equipment (counterintelligence equipment) from the Office of the National Drug Control Policy (ONDCP) Program through the Internet Application Process.

APPROVED AS RECOMMENDED AYES: ALL

PLANNING

27. PULLED

28. Resolution in support of Establishing formation of the San Joaquin Valley Resource Conservation and Development area and appoint a representative from the Board to serve on the Area Council.

ADOPTED RESOLUTION NO. 2002-213 AS RECOMMENDED AYES: ALL

GENERAL SERVICES

29. Declare F5024P A/Chalmers Forklift S/N #5622900 as Surplus Property and authorize the transfer to the Los Banos Cemetery District. (4/5 Vote Required)

REVIEW BOARD ORDER – SEE PAGE 10

RECOMMENDATION AMENDED TO INCLUDE A NOTIFICATION LETTER TO ALL CEMETERY DISTRICTS OF VARIOUS SURPLUS EQUIPMENT THAT MAY BE AVAILABLE BY CONTACTING GENERAL SERVICES AYES: ALL

ASSESSOR

30. Set first reading for November 12, 2002 at 10:30 a.m. to consider An Ordinance to Establish Notice of Escape Assessment (Amends Ordinance No. 1443 and Merced County Code Chapter 5.16) and second reading and possible adoption for December 3, 2002 at 10:30 a.m.

REVIEW BOARD ORDER – SEE PAGE 10

AMENDED RECOMMENDATION AYES: ALL

MENTAL HEALTH

31. Contract with Aspira Counseling Services and Sierra Vista Children's Center for provision of mental health services to Medi-Cal beneficiaries in out-of-home placement and approve the necessary budget transfer-\$163,000.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002217 with ASPIRA CONSELING SERVICES and CONTRACT NO. 2002218 with SIERRA VISTA CHILDREN'S SERVICES AYES: ALL

32. Contract with Rebekah Children's Services for provision of Mental Health Services to Medi-Cal beneficiaries in out-of-home placement.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002219 AYES: ALL

AG. COMMISSIONER

33. Contract with R.W. Rosebrock, D.V.M. for Independent Animal Control Veterinarian for animal shelter services.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002214 AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

34. Contract with VIA Adventures to provide transportation for WIA participants transportation costs.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002215 AYES: ALL

AUDITOR

35. Approve a Cash Flow Line of Credit for up to \$1 Million Dollars to be issued as needed to cover cash flow requirements resulting from the Los Banos and Dos Palos Regional Improvement Projects (RIP) and Oakdale Road Project with reimbursement to come from the Road Fund to the General Fund for lost interest at the Treasury rate.

APPROVED AS RECOMMENDED AYES: ALL

BUSINESS-ECONOMIC OPPORTUNITIES

36. Resolution certifying the Revolving Loan Fund Plan and relieve Business-Economic Opportunities of accountability of debts that have filed bankruptcy and are no longer collectable by statute of code as referenced in said Report.

ADOPTED RESOLUTION NO. 2002-214 AND AS RECOMMENDED AYES: ALL

INFORMATION SYSTEMS

37. Provide direction to Information Systems for the taping of the Board of Supervisors Meetings.

REVIEW BOARD ORDER – SEE PAGE 10 AND 11

CANCELLED CONTRACT WITH MCAN AND DIRECTED COUNTY STAFF TO RECORD MEETINGS FOR A LIVE INTERNET BROADCAST ONLY AYES: 1, 2, 4, 5 NOES: 3

TREASURER-TAX COLLECTOR

38. Approve the Investment Advisory Agreement between the County and PFM Asset Management, LLC.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002216 AYES: ALL

EXECUTIVE OFFICE

39. Amendment to Contract 7328 with Copeland, Lowery & Jacquez for Federal Legislative Advocacy Services extending through June 30, 2003 and direct Staff to circulate new Request for Proposal for federal legislative advocacy services and return to the Board with recommendations.

APPROVED AS RECOMMENDED AYES: ALL

40. Approve Temporary Promotion of Mark Pazin to Sheriff effective November 18, 2002 pursuant to Section 3. I. of the Human Resources Rules and Regulations.

APPROVED AS RECOMMENDED AYES: ALL

41. Approve December 13, 2002 as the retirement date for the Director of Information Systems Michael Bommarito.

APPROVED AS RECOMMENDED AYES: ALL

42. Authorize Contract with Diversified Healthcare Systems for Workers' compensation Cost Containment Services effective December 1, 2002.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002211 AYES: ALL

PROBATION

43. Certificate of Assurance of Compliance requirement for funding for the Violence Against Women Probation Specialized Units from the Office of Criminal Justice Planning.

APPROVED AS RECOMMENDED AYES: ALL

COUNSEL

44. Resolution of Intent to foreclose on Assessment Bond that is delinquent on certain owners in Assessment District 1993-1.

ADOPTED RESOLUTION NO. 2002-215 AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

45. Workforce Investment Board - Appointments (2)

APPOINTED ALBERT MONTEJANO, PRIVATE SECTOR REPRESENTATIVE, UNTIL JUNE 30, 2003 AND SCOTT GALBRAITH, PRIVATE SECTOR REPRESENTATIVE, UNTIL JUNE 30, 2006 TO SERVE AS MEMBERS OF THE WORKFORCE INVESTMENT BOARD (WIB) AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

46. Public Works re: Award of Construction Contract to Roek Construction for the Merced County Transit Facility at County Center III, Merced.

AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2002199

47. San Joaquin Valley Air Pollution Control District re: Notice of the 2nd Public Workshop on Technical Issues in developing the PM10 Attainment Plan for the San Joaquin Valley Air Basin.
48. State Water Resources Control Board re: Notice of Petition for Temporary Change involving the transfer of up to 10,000 acre feet of water to the Environmental Water Account - Permits No. 1267 and 2492.
49. California Regional Water Quality Control Board re: Central Valley Region - Notice of Public Hearing concerning Amended Toxic Hot Spot Cleanup plans for pesticides set for December 5 or 6, 2002 at 9:00 a.m.
50. The Calif. Dept. of Housing & Community Development and the Calif. Housing re: Strategic Development Conference exploring major housing and community development issues with a statewide focus. (On file with Clerk)
51. Governor's Office of Emergency Services re: Notification that the U.S. Small Business Administration has declared the Primary County of Santa Clara and contiguous counties of Alameda, Merced, San Benito, San Joaquin, San Mateo, Santa Cruz and Stanislaus a disaster area.
52. State Water Resources Control Board re: Report entitled "San Joaquin Valley Drainage Monitoring Program, 1998" which represents statistical data on the quality and quantity of agricultural drainage water in the Valley. (On file with Clerk)
53. State Fish and Game Commission re: Notice of Proposed Regulatory Action relative to Section 708, Title 14, California Code of Regulations relating to Big Game License Tag Drawing Methods.

54. State Board of Equalization re: California Code of Regulations - Property Tax, Amend Rules 281., Rule 282., Rule 283, Rule 284 - Hearing to be held on December 18, 2002 at 1:30 p.m.
55. State Board of Equalization re: Property Tax Rule 305.1 - Exchange of Information, effective September 19, 2002.
56. State Board of Corrections re: Update on Public Hearing Dates for revision of the minimum Standards for Local Juvenile Facilities - Hearings set for December 2, 2002 and January 13, 2003.

ADJOURNED MEETING UNTIL TUESDAY, NOVEMBER 12, 2002 AT 9:00 A.M.

ACTION ITEM NO. 25

2002-11-05 SHERIFF / COUNTY POLICY

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board approves the Sheriff's request for approval of a Merced County Sheriff Department Return Badge Policy as submitted outlining the policies to be utilized upon Retirement, Promotion, Resignation and Termination.

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

ACTION ITEM NO. 29

2002-11-05 GENERAL SERVICES

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board declares F5024P A/Chalmers Forklift S/N #5622900 as surplus equipment, authorizes the transfer of said equipment to the Los Banos Cemetery District and authorizes a notification letter to all Cemetery Districts of various surplus equipment that may be available by contacting General Services.

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

ACTION ITEM NO. 30

2002-11-05 ASSESSOR

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board sets the First Reading for December 3, 2002 at 10:30 a.m. to consider An Ordinance Providing for the Reassessment of Property Damaged or Destroyed by Misfortune or Calamity (Amends Ordinance No. 1443 and County Code Chapter 5.16) and An Ordinance providing for Notice of Escape Assessment of Property under Revenue and Taxation Code Section 531, 534 and 1605 and sets second reading and possible adoption for December 17, 2002 at 10:30 a.m.

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

ACTION ITEM NO. 37

2002-11-05 INFORMATION SYSTEMS

Mike Bommarito, Director of Information Systems, reviews the Staff Report and advises the connections for videotaping are in place at a minimal costs.

He states due to problems on the coordination of broadcast times with the County's Cable Service providers, this process has not yet begun and we still do not have a uniform broadcast time set to cover the County. Therefore, three options are available for Board action:

1. Proceed as planned – attempting to resolve the issues and provide television coverage.

2. Cancel the contract with MCAN, reversing the decision to provide any Television coverage of the Board Meetings.
3. Cancel the contract with MCAN and have County Staff record meetings for a Live Internet Broadcast only.

Following discussion, Supervisor Kelsey moves, seconded by Supervisor O'Banion, the Board cancels the Contract with MCAN and directs County Staff to record meetings for a live Internet broadcast only.

Supervisor Rivero states he cannot support the Motion on the Floor and feels Staff should continue to work with the Contract with MCAN for videotaping of the meetings.

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

Mike Nelson speaks in support of the public participation and in support of having the meetings accessible to the public.

Jim Sanders, MCAN, speaks in support of the Contract with MCAN.

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

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

10:30 A.M. SCHEDULED ITEM
2002-11-05 MENTAL HEALTH – PUBLIC HEARING

The time and date previously set for a Public Hearing to consider Proposed Ordinance to Establish Fees for Aftercare Services provided by Mental Health Alcohol and Drug Services submitted by Mental Health.

The Chairman asks if there is anyone present who wishes to speak. No one speaks.

Upon motion of Supervisor Crookham, seconded by Supervisor O'Banion, duly carried, the Board waives further reading of Proposed Ordinance to Establish Fees for Aftercare Services provided by Mental Health Alcohol and Drug Services and adopts Ordinance No. 1686.

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

10:30 A.M. SCHEDULED ITEM
2002-11-05 PLANNING/ASSESSOR – PUBLIC HEARING

The time and date previously set for a Public Hearing to consider Amendment of the Agricultural Preserve as per the California Land Conservation Act of 1965 (Williamson Act) in Merced County submitted by Planning and Assessor.

The Chairman asks if there is anyone present who wishes to speak. No one speaks.

Upon motion of Supervisor Kelsey, seconded by Supervisor Cortez Keene, duly carried, the Board approves Amendment of the Agricultural Preserve as per the requirements of the Land Conservation Act of 1965 (Williamson Act) Section 51200 et. Seq. of the California Government Code and adopts Resolution No. 2002-216.

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

11:00 A.M. SCHEDULED ITEM

2002-11-05 IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY

The time and date set to recess as a Board of Supervisors and convene to meet as a Public Authority specifically In-Home Supportive Services Public Authority.

The Chairman calls for a 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. No one speaks.

Upon motion of Supervisor Cortez Keene, seconded by Supervisor O'Banion, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2002169 between the County of Merced and the Merced County IHSS Public Authority; approves the release of a Request for Proposal for the In-Home Supportive Services Public Authority software; authorizes General Services, in cooperation with the Human Services Agency, to prepare the Request for Proposal; solicit and select a vendor; negotiate and prepare the necessary contract documents for Board approval, authorizes Human Services Agency to recruit for IHSS Advisory Board Members representing District No. 1 and No. 4 and establishes the IHSS Public Authority General Rules of Procedure and adopts Resolution No. 2002-01.

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