



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, MAY 13, 2003

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

GLORIA CORTEZ KEENE.....DISTRICT 1
CHAIR KATHLEEN M. CROOKHAM.....DISTRICT 2
MICHAEL G. NELSON.....DISTRICT 3
DEIDRE F. KELSEY.....DISTRICT 4
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 County Executive Officer-Real Property Negotiator(s) pursuant to Government Code Section 54956.8 as follows:
Property: C Street (vacant lot)
Property: 19th Street property
Negotiating Party: AGIS

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)

THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH SUPERVISOR KELSEY NOT PRESENT AND THE CHAIRMAN ADVISED STAFF WAS GIVEN DIRECTION

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: Sheriff Mark Pazin and Bryant Owens

UC MERCED PROJECT - LIAISON REPORT

RECEIVED REPORT FROM UC LIAISON KATHLEEN CROOKHAM

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Ag. Commissioner-\$4,848; Health-\$7,000 and Insurance-\$312,000

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

PRESENT: 4

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 20)

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

PRESENT: 4

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:30 A. M.

BUSINESS-ECONOMIC OPPORTUNITIES - PUBLIC HEARING - PROPOSED ORDINANCE - SECOND READING AND POSSIBLE ADOPTION

To consider Amendment to Ordinance No. 1528 and extend by six months the Grant to Comcast of San Joaquin, Inc., a non-exclusive franchise to construct, operate and maintain a cable television system in the unincorporated territories in the County of Merced and providing terms and conditions for the operation of such system and providing fees therefore

REVIEW BOARD ORDER - SEE PAGE 8

REPORTS/BOARD DIRECTION

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

10:45 A. M.

IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY

ADJOURN AS A BOARD OF SUPERVISORS AND MEET AS AN IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY

SEE SEPARATE AGENDA

CONSENT CALENDAR (Items # 1 - 20)

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

Claims for Damages

1. Act on Claims for Damages submitted by Ray Chavez, Ruby Bandoni, Sharon L. Costa, Rosalva Coria, Shawn Evans, Herbert Figura, Alfred Padilla, Jorge Sosa and Roque Ramirez, Jr.

Public Works

2. Waive the restriction on the use of amplified sound equipment by Farmers Insurance on June 7, 2003 at Henderson Park (Picnic Shelter).
3. Authorize Le Grand Community Day Committee to use Le Grand Community Park and waive the restriction on the use of amplified music and alcoholic beverages on May 22 - 24, 2003 for the Le Grand Community Day Celebration.

Health

4. Adopt Resolution authorizing submission and Chairman to sign the Household Hazardous Waste Grant Application for FY 2003-2004.

ADOPTED RESOLUTION NO. 2003-71

Ag. Commission

5. Adopt Resolution and authorize Chairman to sign Renewal Contract No. 6777 with Calif. Dept. of Boating and Waterways for the Water Hyacinth Treatment and Control Program on the Merced and San Joaquin Rivers.

ADOPTED RESOLUTION NO. 2003-72

Human Services Agency

6. Approve and authorize Chairman to sign Renewal Contract No. 9966 with A Woman's Place for services provided to CalWORKs clients.
7. Approve and authorize Chairman to sign Renewal Contract No. 7172 with Merced Union High School District-Merced Adult School for excess costs for administrative services to CalWORKs participants.

Mental Health

8. Approve and authorize Chairman to sign Amendment to Contract No. 9601 - Application for Substance Abuse and Mental Health Services Administration (SAMHSA) Block Grant Funds.
9. Adopt Resolution authorizing submission and Chairman to sign Application to the Office of Justice Programs Bureau of Justice Assistance for the FY 2003 Drug Court Grant Program and authorize Chairman to sign Letter designating Mental Health as the County's authorized representative and Troy Dean Fox as the authorized signing authority and directs Mental Health to return to the Board if awarded for Board approval and acceptance of grant and position and budget changes.

ADOPTED RESOLUTION NO. 2003-73

10. Proclaim the month of May, 2003 as "Mental Health Month" in Merced County.

Planning

11. Approve and authorize Chairman to sign Addendum to Contract No. 2001163 with RRM Design Group for additional project coordination services for the Delhi and Planada Community Plans and Community Planning Chapter of the General Plan.

Business-Economic Opportunities

12. Set public hearing for June 10, 2003 at 10:30 a.m. to consider a Proposed Ordinance Establishing a requirement for a Business License and a Temporary Business License to enhance and strengthen Merced County's business retention efforts.

Budget Transfers

13. Approve Budget Transfers submitted by Child Support Services-\$45,000; District Attorney-\$1,000 and PW/Castle-\$3,452 (#071) as recommended by Executive Office.

Executive Office

14. Approve and authorize Chairman to sign Amendment to Contract No. 2001175 with Harder+Company for evaluation services on behalf of the Children and Families Commission.

Board of Supervisors

15. Contract with Great Valley Center for the provision of up to two Fellows to study the impact of agricultural farmland loss within the County and to identify practical solutions and provide a final report.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003081

16. Minutes of February 4 and 25, 2003 approval.

Board Recognition

17. Authorize Certificates of Recognition to the following attaining 85 years of age and 50 years of residency in the County of Merced for the 61st Annual Reunion of the Merced County Old Timers: Elsie Avilla, Dr. Lester Barger, Irene Bardini, Hazel Baxter, Louise Silva Bello, Bernice Belloli, A.J. Bernardi, Louise Bernardi, William Boles, Oren Burkhart, William L. Chapman, Mary Cotta, Tony Cozzi, Charles E. Day, Jeanette Ferranti, Arnold Freitas, Mary Freitas, Rose Gonella, Dorothy Hamill, Arthur Paul Harris, M.D., Maxine Harris, Darwin Henry, Q.D. Jones, William Kirby, Catherine Lunney, Ida Marino, Mary Mattos, Marge McAuley, Eleanore Morehouse, Louie Muratore, Ralph Navarro, Geraldine Nicolaison, Sarah Simmerman, Gregorio Soto, Anna Stanley, Phyllis Sullens, Lisetta Viani, Betty Stefani Warren and Mazie Woolstemhulme.
18. Authorize Certificate of Recognition to Community Law Enforcement Officers of the Year at the Annual Volunteer Recognition Dinner as follows: Kathy Hill for Merced County Sheriff's Department, Francis Curtis for Delhi-300+ Hours and Jay Callahan for Winton-500+ Hours, Chuck Dame for 1000+ Volunteer Hours .
19. Authorize Certificates of Recognition to Tim Adams-City Firefighter of the Year, Margie Birdsell-Dispatcher of the Year, Scott Duncan-Police Officer of the Year, Dan Gover-Deputy of the Year (Courts), Gayle Grijalva-Employee of the Year, Ron Lamison-Volunteer of the Year and Keri Maciel-Volunteer Firefighter of the Year, Larry Sanchez-Reserve Police Officer of the Year and Stephanie Sarginson-Deputy of the Year (Corrections) and James

Weaver-Deputy of the Year (Patrol) on behalf of the Atwater Veterans Foreign Wars Post 9946 in recognition of the Loyalty Day Program.

20. Authorize Certificate in Celebration of Rucker Construction Open House on April 25, 2003.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

21. Contract with Centurion Boats for exclusive use of grass area, swim pier and lake area directly in front of pier at Lake Yosemite for Wake Surfing Demonstrations and Competitions set for June 11th through 14, 2003 and waive restrictions on use of amplified sound equipment for music entertainment.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003080 AYES: 1, 2, 3, 5
NOT PRESENT: 4**

22. Approve plans and specifications for Los Banos Library Restroom Remodel to obtain competitive bids and authorize award and issuance of Purchase Order to the lowest responsive bidder as long as within the amount approved in the budget and direct Public Works to return to the Board with updated information.

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

23. Approve plans and specifications for Cherish Kitchen Repair at Area Agency on Aging-Merced to obtain competitive bids and authorize award and issuance of Purchase Order to lowest responsive bidder as long as within the amount approved in the budget and direct Public Works to return with updated information.

REVIEW BOARD ORDER – SEE PAGE 8

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

HEALTH

24. Contract with East Stanislaus Resource Conservation District for Dairy Engineering Services in Merced and Stanislaus Counties.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003082 AYES: 1, 2, 3, 5
NOT PRESENT: 4**

25. Contract with State Dept. of Health Services Emergency Preparedness Office for Bioterrorism Preparedness Planning.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003078 AYES: 1, 2, 3, 5
NOT PRESENT: 4**

26. Authorize Letter of Agreement with Mercy Medical Center Merced relating to Business Associate practices as required by the Federal Health Insurance Portability and Accountability Act.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003079 AYES: 1, 2, 3, 5
NOT PRESENT: 4**

27. PULLED

FIRE

28. Authorize continuation of coordination with U.S. Dept. of Justice and State OES for FY 02 State Domestic Preparedness Program.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

MENTAL HEALTH

29. Contract with State Dept. of Mental Health for State Hospital Bed Purchases and Usage for FY 2002/2003.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003083 AYES: 1, 2, 3, 5 NOT PRESENT: 4
30. Contract with Merced County Trial Courts Operations for use of Mental Health Delivery Driver for mail services.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003084 AYES: 1, 2, 3, 5 NOT PRESENT: 4

BOARD OF SUPERVISORS

31. Authorize Extension of Letter of Agreement with California Highway Patrol for the Anti-Drug Task Force Vehicle extending Contract No. 200196 for two years.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4
32. Letter of support urging the inclusion of Highway 99 from Stockton in the north to I-5 south of Bakersfield, into the Interstate Highway System.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

EXECUTIVE OFFICE

33. Contract with National Economic Development and Law Center on behalf of the Children and Families Commission for a Child Care Economic Impact Report for Merced County.
REVIEW BOARD ORDER – SEE PAGE 8 AND 9
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003085 AYES: 1, 2, 3, 5 NOT PRESENT: 4

TREASURER-TAX COLLECTOR

34. Authorize negotiation of Contract with Electronic Data Systems (EDS) Corporation for an Interactive Voice Response and Internet Tax Payment System and to return to the Board with negotiated contract within 30 days.
REVIEW BOARD ORDER – SEE PAGE 9
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

AUDITOR-CONTROLLER

35. Authorize transfer of five modular structures (two Court Buildings 36x60 and 24x60) from the County of Merced to Superior Courts of Merced County and authorize signing of all transfer documents.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

SHERIFF

36. Accept \$10,000 Grant for the 2003 Domestic Cannabis Eradication/Suppression Program from the Federal DOJ, Drug Enforcement Administration and authorize funds to be placed in the Sheriff Trust Fund to be periodically offset the cost of overtime and other expendable

items due to law enforcement requirements of this Grant Contract and approve necessary budget transfer-\$3,000.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003087 AYES: 1, 2, 3, 5
NOT PRESENT: 4**

BOARD APPOINTMENTS

37. District Three - Library Advisory Commission.

**APPOINTED URLA GARLAND TO SERVE AS A MEMBER OF THE LIBRARY
ADVISORY COMMISSION REPRESENTING DISTRICT THREE UNTIL AUGUST 31, 2007
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

- 38. Dept. of Workforce Investment re: PY 2003/2004 Master Subgrant Agreement Update.
- 39. Le Grand Union High School District re: Fourteen Day Notice of Proposal to Implement Developer Fees.
- 40. CSAC re: Challenge Awards - Call for Entries.
- 41. Federal Emergency Management Agency re: Preliminary copies of the Revised Flood Insurance Study (FIS) Report and Flood Insurance Rate Map (FIRM) for Merced County, Calif. and Incorporated Areas. (On file with Clerk)
- 42. State Board of Equalization re: Communication with the Board on Property Tax Matters.
- 43. Surface Transportation Board re: Finance Docket No. 34305, the Burlington Northern and Santa Fe Railway Company - Construction and Operation Exemption - in Merced County, California - Request for Information.
- 44. U.S. Fish & Wildlife Service re: Service to consider listing Midvalley Fairy Shrimp.
- 45. State Wildlife Conservation Board re: Notice of Meeting - May 14, 2003. (On file with Clerk)
- 46. State and Local Coalition on Immigration Immigrant Policy Project re: Copy of "Language Access: Helping Non-English Speakers Navigate Health and Human Services". (On file with Clerk)

**ADOPTED RESOLUTIONS AND ADJOURNED IN MEMORY OF KEVIN GOOSSEN AND
ROY LOWER UNTIL TUESDAY, MAY 20, 2003 AT 10:00 A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – MAY 13, 2003

10:30 A.M. SCHEDULED ITEM

2003-05-13 BUSINESS-ECONOMIC OPPORTUNITIES – PUBLIC HEARING

The time and date previously set for a public hearing to consider Amendment to Ordinance No. 1528 and extend by six months the Grant to Comcast of San Joaquin, Inc., a non-exclusive franchise, to construct, operate and maintain a cable television system in the unincorporated territories in the County of Merced and providing terms and conditions for the operation of such system and providing fees therefore as submitted by Business-Economic Opportunities.

Business-Economic Opportunities Director John Fowler reviews the Staff Report and clarifies the franchise expiration is November 30, 2003.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried the Board waives further reading of the proposed ordinance and adopts Ordinance No. 1697 An Ordinance to Amend and extend by six months the Grant to Comcast of San Joaquin, Inc., a non-exclusive franchise, to construct, operate and maintain a cable television system in the unincorporated territories in the County of Merced and providing terms and conditions for the operation of such system and providing fees therefore (Amends Ordinance No. 1528).

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

Not Present: Kelsey

ACTION ITEM NO. 23

2003-05-13 PUBLIC WORKS

The Chairman states it is time to consider request for approval of plans and specifications of the Cherish Kitchen Repair at Area Agency on Aging-Merced as recommended by Public Works.

The Board discusses the facility upgrade as budgeted, audit deficiencies noted by the State and the programs operated by Cherish stating additional information needs to be received from Community Action Agency.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board approves the plans and specifications for the Cherish Kitchen Repair at Area Agency on Aging-Merced to obtain competitive and authorize award and issuance of Purchase Order to lowest responsive bidder as long as within the amount approved in the budget and directs Public Works to return with updated information.

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

Not Present: Kelsey

ACTION ITEM NO. 33

2002-05-13 EXECUTIVE OFFICE

The Chairman states the Contract for development of a childcare economic impact report is before the Board for consideration.

Merced County Children and Families First Commission Program Administrator Tammy Moss reviews the staff report and the collaborative partners committed to this project.

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2003085 with National Economic Development and Law Center on behalf of the Children and Families Commission for a Child Care Economic Impact Report for Merced County.

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

Not Present: Kelsey

ACTION ITEM NO. 34

2003-05-13 TREASURER-TAX COLLECTOR

Treasurer-Tax Collector Karen Adams briefly reviews the staff report submitted and clarifies the operation of the proposed program for the taxpayer.

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board authorizes negotiation of Contract with Electronic Data Systems (EDS) Corporation for an Interactive Voice Response and Internet Tax Payment System and to return to the Board with the negotiated contract within 30 days.

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

Not Present: Kelsey

SUMMARY ACTION MINUTES

MERCED COUNTY IN-HOME SUPPORTIVE SERVICES (IHSS) PUBLIC AUTHORITY

**Regular Meeting
TUESDAY, MAY 13, 2003
10:45 A. M.**

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

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During regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday.*

The Agenda is available online at www.co.merced.ca.us

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE
INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE

Members of the public are advised that all pagers, cellular telephones and any other communication devices are to be turned off upon entering the Board Chambers

10:45 A. M.

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 (Testimony limited to five minutes per person)

PUBLIC AUTHORITY ACTION

IN-HOME SUPPORTIVE SERVICES (IHSS) PUBLIC AUTHORITY

1. Contract with RTZ Associates, Inc. for Public Authority Registry Software.

REVIEW BOARD ORDER – SEE PAGE 12

MODIFIED APPROVAL AYES: 1, 2, 3, 5 NOT PRESENT: 4

2. Oppose AB 1470 and forward to appropriate legislative representatives.

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

AS THERE BEING NO FURTHER BUSINESS BEFORE IT, THE BOARD ADJOURNED THE MEETING

SUMMARY ACTION MINUTES
MERCED COUNTY IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY
BOARD ORDER - MAY 13, 2003

10:45 A.M. SCHEDULED ITEM

2003-5-13 IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board modifies approval as follows:

1. Approve Contract No. 2003086 in the amount of \$18,912.96 between Merced County Public Authority and RTZ Associates, Inc., for the period beginning May 1, 2003 and ending June 30, 2006.
2. Authorize the Chair of the Public Authority to sign the Contract subject to final review by County Counsel.
3. Authorize the IHSS Public Authority Manager to sign subsequent changes in the contract work statement and contract line items within the contract total amount and to complete close out of actual contract expenditures.

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

Not Present: Kelsey