



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

### Regular Meeting

**TUESDAY, JULY 01, 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 Section 54956.8 as follows:

Property: Castle Airport Parcel  
Negotiating Party: Dave Snyder

**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:

Glassman v. County of Merced, et al, Superior Court No. 146568  
Fresno Community Hospital and Medical Center v. County of Merced, et al, Case No. CV 815337

**REVIEW BOARD ORDER – SEE PAGE 7**

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)**

**UC MERCED PROJECT - LIAISON REPORT  
RECEIVED REPORT FROM UC LIAISON REPRESENTATIVE  
KATHLEEN CROOKHAM**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 33)  
APPROVED AS RECOMMENDED AYES: ALL**

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

**ADDED AGENDA ITEM:  
REVIEW BOARD ORDER – SEE PAGE 7  
THE BOARD FINDS THE NEED TO CONSIDER A CLOSED SESSION AND PLACES THE MATTER ON THE AGENDA FOR CONSIDERATION AYES: ALL**

**REPORTS/BOARD DIRECTION**

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

**LUNCH BREAK**

11:00 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 - 33)**

**APPROVED AS RECOMMENDED AYES: ALL**

Public Works

1. Waive the restriction on the use of amplified sound equipment by AFSCME Local 2703 on July 12, 2003 at Lake Yosemite-Veterans Cove.
2. Accept Final Map for El Capitan Estates Phase I Subdivision in the Franklin-Beachwood area.
3. Adopt Resolution accepting Federal Apportionment Exchange and State Match Program with Caltrans and authorize Public Works Director to sign Contract No. 2003118 to exchange federal funds with non-federal state highway account funds.

**ADOPTED RESOLUTION NO. 2003-117**

4. Approve plans and specifications for Closed Circuit Television (Security) at Marie Green Psychiatric Center and authorize Public Works to advertise and award bid to lowest responsive bidder within budgeted amount and direct Public Works to return to the Board with action taken.

#### Claims for Damages

5. Act on Claims for Damages submitted by Carlow Peralez and Susan Sammons as recommended by Risk Management.

#### Mental Health

6. Approve and authorize Chairman to sign Renewal Contract No. 8361 with Health Department for Mail Service.
7. Approve and authorize Chairman to sign Renewal Contract No. 9605 with Mariposa/Kings View Corporation for Short Term Acute Psychiatric Hospitalization Services.
8. Approve and authorize Chairman to sign Renewal Contract No. 8051 with Merced Manor for locked, skilled residential nursing services.
9. Approve and authorize Chairman to sign Renewal Contract No. 7449 with Merced Faculty Associates for physical exams on consumers admitted to Marie Green Psychiatric Center.
10. Approve and authorize Chairman to sign Renewal Contract No. 9854 with Joseph Melton, MFT for provision of services as Certification Review Officer.
11. Approve and authorize Chairman to sign Renewal Contract No. 2001183 with Dr. Elmer Ignacio for provision of psychiatric services.
12. Approve and authorize Chairman to sign Renewal Contract No. 8965 with Probation for on-site probation services at Mental Health which provides 2.5 FTE Deputy Probation Officers.
13. Approve and authorize Chairman to sign Renewal Contract No. 2001211 with Central Calif. Child Development Services for provision of mental health services.
14. Approve and authorize Chairman to sign Renewal Contract No. 9531 with Larry Dumford for provision of residential services to mental health consumers.
15. Approve and authorize Chairman to sign Renewal Contract No. 9476 with Delhi Drug for provision of pharmacy services to consumers.
16. Approve and authorize Chairman to sign Amendment to Contract No. 9193 with Stanislaus Behavioral Health for inpatient adolescent/youth facility to pay outstanding invoices for the period of April through June, 2003.
17. Approve and authorize Chairman to sign Renewal Contract No. 2001101 with Probation for Drug Treatment Court Services.
18. Approve and authorize Chairman to sign Renewal Contract No. 200227 with Probation for Substance Abuse and Crime Prevention Act (SACPA) Assessment and Supervision Services clients.

#### Department of Workforce Investment

19. Approve and authorize Chairman to sign Amendment to Contract No. 2001165 with Russell Grossman for Storage Space.

### Human Services Agency

20. Approve and authorize Chairman to sign Renewal Contracts with the District Attorney's Office as follows: No. 9379 for Food Stamp Fraud Investigation, No. 9284 for Food Stamp Fraud Prosecution Services, No. 9390 for CalWORKs Fraud Investigation, and No. 9253 for CalWORKs Fraud Prosecution Services understanding the Human Services Agency Director, upon Auditor-Controller review, will sign all subsequent amendments to the contracts within the contract budget.

### Public Works-Castle

21. Approve and authorize Chairman to sign Castle Airport Sublease No. 03-10 with Robin Forrester dba Forrester Graphics for a portion of Building No. 1340.

#### **AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003119**

### Executive Office

22. Approve and authorize Chairman to sign Amendment to Contract No. 2002166 with Merced County Office of Education Technical Support Team for School Readiness Planning and Program Development on behalf of the Children and Families First Commission.
23. Approve and authorize Chairman to sign Renewal Contract No. 2002169 with Merced County IHSS Public Authority for the administration of In-Home Supportive Services Public Authority services.

### Board Recognition

24. Authorize Resolution in recognition of Bill K. Tilley for dedicated services to the County of Merced.
25. Authorize Certificate of Recognition to Amy Muraira for dedicated service to Franklin/Beachwood Municipal Advisory Council.
26. Authorize Certificates of Recognition to the following dedicated officers selected by the Atwater Chamber of Commerce: Manuel Byrd-Volunteer of the Year, County Bank-Business of the Year, Roy Torres-Incoming President and Barbara Dutra-Outgoing President.
27. Authorize Certificates of Recognition to Mark Krasko, Johnny Perez, Kevin Swartwood, Anthony Smelcer and Dino Rodotic selected by the Merced County Fatherhood Coalition for Father of the Year Awards.
28. Authorize Certificates of Recognition to the following individuals graduated from the Spring 2003 Winton Parent Institute for Quality Education: Maria Aguilar, Martha Alvarado, Oliveros Armida, Pedro Arroyo, Susana Arvizu, Delia Diaz, Ignacia Escalera, Bertha Flores, Lucina Flores, Elvia Garcia, Hilda Haro, Enriqueta Lagos, Maria Lopez, Imelda Mendoza, Nieves Muniz, Claudia Munoz, Guadalupe Ponce, Rosalia Pulido, Gloria Santoyo and Felix Velasquez.
29. Authorize Certificate of Recognition to Merced County Historical Society in celebration of the 20th Anniversary of the Restoration and Opening of the Merced County Courthouse Museum.
30. Authorize Certificate of Recognition in celebration to The Bus Ribbon Cutting and Open House of the Merced County Transit Operations Facility.

31. Authorize Certificate of Recognition to Gustine Rotary Club in celebration of their 60th Anniversary.
32. Authorize Certificate of Recognition to Marilyn Mochel for dedicated service to the Merced County Children and Families First Commission.
33. Authorize Certificate of Recognition to TransCounty Title Company in celebration of their 18th Anniversary.

## **REGULAR CALENDAR**

### **BOARD ACTION**

#### **PUBLIC WORKS**

34. Contract with Buckley Communications for a Tower Site located at the Correctional Facility.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003120 AYES: ALL**
35. Authorize circulation of Request for Proposal for Contract related to the Remediation of Hazardous Material Spills on County Property and direct Public Works to return to the Board with results and recommendation of the most qualified firm(s).  
**APPROVED AS RECOMMENDED AYES: ALL**
36. Contract with Caltrans for Sharing Cost of State Highway Electrical Facilities to cover a consolidation of lighting facilities.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003129 AND ADOPTED RESOLUTION NO. 2003-118 AYES: ALL**
37. Authorize Contract with Commercial Construction for Cherish Kitchen Repair at Area Agency on Aging Office-Merced.  
**REVIEW BOARD ORDER – SEE PAGE 7 & 8**  
**CONTINUED TO JULY 15, 2003 AGENDA**

#### **AUDITOR**

38. Approve a \$300 increase in Revenue and Reimbursement Change Fund located in the Merced Branch of Superior Court of Merced County.  
**APPROVED AS RECOMMENDED AYES: ALL**

#### **INFORMATION SYSTEMS**

39. Authorize Information Systems (in conjunction with General Services) to obtain competitive proposals for Board Room Automation and to return to the Board with recommendations for approval.  
**APPROVED AS RECOMMENDED AYES: ALL**

#### **CHILD SUPPORT SERVICES**

40. Contract with ChoicePoint for Internet Locate Services as required by the Dept. of Child Support Services for searches of persons and assets in the enforcement of the child support program.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003127 AYES: ALL**

BOARD APPOINTMENTS

41. District Three – Advisory Board on Alcohol and Other Drug Problems.  
**APPOINTED SUZANNA HAYCRAFT TO SERVE AS A MEMBER OF THE ADVISORY BOARD ON ALCOHOL AND OTHER DRUG PROBLEMS REPRESENTING DISTRICT THREE UNTIL JUNE 30, 2005 AYES: ALL**
42. Mental Health Advisory Board.  
**REAPPOINTED MICHAEL DE AYORA AND GERALDINE GARLAND FAY RIVERS SHELLS, REPRESENTING DISTRICT TWO, AND JAMES FULLER, REPRESENTING DISTRICT THREE, TO SERVE AS MEMBERS OF THE MENTAL HEALTH ADVISORY BOARD UNTIL JUNE 30, 2006 AYES: ALL**
43. Emergency Medical Care Committee.  
**APPOINTED MIKE HARRIS, REPRESENTING PARAMEDIC FIELD, AND RENEE TEAGUE, RN, REPRESENTING HOSPITAL, TO SERVE AS MEMBERS OF THE EMERGENCY MEDICAL CARE COMMITTEE UNTIL JUNE 30, 2007 AYES: ALL**

COUNSEL

44. Settlement Agreement with Fresno Community Hospital.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003117 AYES: ALL**

**BOARD INFORMATION & POSSIBLE ACTION**

**ACCEPTED AND PLACED ON FILE AYES: ALL**

45. Business-Economic Opportunities re: Update advising Contract No. 2003049 with Children's Services Network will be returned to the Board to request a retroactive amendment extending the contract date.
46. Mental Health re: Appointment to the Proposition 36 (Substance Abuse and Crime Prevention Act of 2000) Implementation Committee.  
**REVIEW BOARD ORDER – SEE PAGE 8**
46. Lifecare Solutions re: Anticipated Termination of Operations.
47. Santa Clara Valley Water District re: Invitation to join the Santa Clara Valley Water District San Luis Reservoir Low Point Improvement Project Stakeholder Committee.
48. State Board of Equalization re: California Code of Regulations - Property Tax Rules - Notice of adopted regulations to be effective on June 27, 2003.
49. Federal Emergency Management Agency re: Additional Information regarding Letters of Map Revised based on Fill.
50. Le Grand Union High School District re: Resolution No. 2003-05-01 increase school facilities fees as authorized by Government Code Section 65995 (b) 3.

**ADOPTED RESOLUTION AND ADJOURNED MEETING IN MEMORY OF ALBERT JAMES DESALLES UNTIL TUESDAY, JULY 15, 2003 AT 10:00 A.M.**

## **BOARD ORDERS – SUMMARY ACTION MINUTES – JULY 1, 2003**

### **9:00 A. M. CLOSED SESSION**

#### **2003-07-01 CONFERENCE WITH LEGAL COUNSEL**

The Chairman states the Board met in Closed Session concerning Existing Litigation pursuant to Subdivision (a) of Section 54956.9:

Glassman v. County of Merced, et al, Superior Court No. 146568

Fresno Community Hospital and Medical Center v. County of Merced, et al, Case No. CV 815337.

The Chairman reads the following statement as required by Government Code Section 54957.1(a)(1). and advises the following action was taken: Approval was given to County Counsel's Office and Attorney James Weakley to defend the County in the Case of Glassman v. County of Merced, Superior Court Case No. 146568 and County Counsel is directed to return to the Board on July 15, 2003 with recommended action to engage Mr. Weakley as the County's trial attorney.

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

### **10:00 A. M. ADDED AGENDA ITEM**

#### **2003-07-01 CLOSED SESSION**

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board finds a need arose, subsequent to the posting of the agenda, to consider a Closed Session – Conference with Legal Counsel to discuss Anticipated Litigation and places the matter on the Agenda for Board consideration.

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

### **ACTION ITEM NO. 37**

#### **2003-07-01 PUBLIC WORKS**

The Board questions the Cherish Kitchen Repair at the Area Agency on Aging Office and the possible closure of some of the Cherish sites.

Public Works Director Paul Fillebrown states he is not aware of any plans to close the sites, the item before the Board is an approved Capital Improvement Project for the Kitchen Repair at the Area Agency on Aging Office located at 851 West 23<sup>rd</sup> Street, Merced.

Supervisor O'Banion recommends the matter be continued until further information is received.

Supervisor Kelsey expresses concern with expending \$22,000 in fixing up a building that services might be cut back on and concern with the quality of the food and the program.

Following further discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board takes action to continue the item until the Board Meeting of July 15, 2003.

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

**INFORMATION ITEM NO. 46**

**2003-07-01 MENTAL HEALTH**

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Nelson, duly carried, the Board appoints Supervisor Kathleen Crookham to serve as the Board representative on the Proposition 36 (Substance Abuse and Crime Prevention Act of 2000) Implementation Committee for the remainder of 2003.

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



# SUMMARY ACTION MINUTES

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

Regular Meeting

**TUESDAY, JULY 01, 2003**

11:00 A. M.

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

DEMITRIOS O. TATUM  
COUNTY EXECUTIVE OFFICER

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

RUBEN E. CASTILLO  
COUNTY COUNSEL

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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](http://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**

11:00 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. Approve and authorize the Public Authority Chairman to sign Contract with Liebert, Cassidy & Whitmore to represent the In Home Supportive Services (IHSS) Public Authority in labor relations with United Domestic Workers.

**APPROVED AS RECOMMENDED**                      **AYES: ALL**

2. Approve and authorize the Public Authority Chairman to sign Renewal Contract with Merced County to provide administration of IHSS PA services; reappoint Edith Watson-District Two representative, Betty Scoggins-Public/Private Sector representative and Beverly Morse-CEO representative to serve as members of the In-Home Supportive Services (IHSS) Advisory Committee until July 1, 2006 and authorize recruitment for District 4 representative.

**APPROVED AS RECOMMENDED**                      **AYES: ALL**