



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, JULY 22, 2003

Closed Session – 8:00 a.m.

Regular Meeting – 9:00 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

*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 concerning a Conference with Real Property Negotiator-Paul Fillebrown, Public Works Director pursuant to Section 54956.8 as follows:
Property/Reference: APN 059-380-030
Negotiating Parties: McSwain School District

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 – (Government Code Section 54956.9(b)): One Case
Initiation of Litigation (Government Code Section 54956.9(c)): One Case

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Subdivision (b) of Government Code Section 54957:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Dept. of Workforce Investment Director
Title: Mental Health Director

THE BOARD RECESSED AT 8:00 A.M. AND RECONVENED AT 9:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED STAFF WAS GIVEN DIRECTION

9:00 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
NO REPORT

APPROVAL OF CONSENT AGENDA CALENDAR (Item # 1 - 26)
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items # 1 - 26)

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

Public Works

1. Waive the restriction on the use of amplified sound equipment for the Church of the East on July 27, 2003 at Hagaman Park (Mahoney Shelter) and waive the restriction of animals in the Park for the Boney-Irvin Wedding Party on August 16, 2003 at Lake Yosemite (Fish and Game Building).
2. Adopt Resolution authorizing Public Works Director and the Auditor-Controller to sign the State Transit Assistance (STA) Fund Claim for FY 2003-2004 and authorizing filing with Merced County Association of Governments.

ADOPTED RESOLUTION NO. 2003-127

3. Approve and authorize Chairman to sign Contract with Merced Community Action Network for use of portions of the Library Ground Floor and exclusive use of Courthouse Park for the Blues 'n Cruise Style Car Show and the Fifth Annual Central Valley Blues Festival for October 11th and 12th, 2003 and waive the restriction for amplified sound equipment for musical entertainment.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003142

Mental Health

4. Approve and authorize Chairman to sign Renewal Contract No. 10224 with Health to provide Alcohol and Drug HIV Services.
5. Approve and authorize Chairman to sign Renewal Contract No. 99077 with Health to provide urine and drug assay testing services.
6. Approve and authorize Chairman to sign Renewal Contract No. 2002218 with Sierra Vista Child and Family Services for specialty mental health services.
7. Approve and authorize Chairman to sign Renewal Contract No. 7994 with Community Catalyst of California for placement services.
8. Approve and authorize Chairman to sign Renewal Contract No. 9489 with Rite Aid Corporation for provision of pharmacy services.
9. Adopt Resolution authorizing the State Dept. of Mental Health to withhold and transfer funds in the amount of \$15,000 to the Calif. Mental Health Directors Association to fund the Administrative Services Organization (ASO) which will arrange for the provision of mental health services for Medi-Cal eligible children from Merced County who are placed out of county.

ADOPTED RESOLUTION NO. 2003-128

District Attorney

10. Adopt Resolution authorizing District Attorney to sign Renewal Contract No. 8588 with Calif. Dept. of Insurance for participation in the Fraud Program for the investigation and prosecution of Fraudulent automation insurance claims.

ADOPTED RESOLUTION NO. 2003-129

Ag. Commissioner

11. Approve and authorize Chairman to sign Renewal Contract No. 2002214 for Animal Shelter Services with R.W. Rosebrock, D.V.M.

Health

12. Approve and authorize Chairman to sign Renewal Contract No. 200179 with Central Calif. Child Development Services for interagency cooperation for children eligible for the Migrant Child Development Program.

Planning

13. Set public hearing for August 12, 2003 to consider past Community Development Block Grant performance; Annual Grantee Performance Report; Program Income and Program Income Reuse Plan and revisions to the Housing Rehabilitation Program Guidelines.

Counsel

14. Approve and authorize Chairman to sign Contract with Weakely, Ratliff, Arendt & McGuire for special legal services in connection with Superior Court Case Number 146568.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003143

Executive Office

15. Approve and authorize Chairman to sign Amendment to Contract No. 2003034 with Calif. Institute for County Government for Justice System Study for additional time.
16. Approve and authorize Chairman to sign Renewal Contract with Standard Insurance Company to include consolidation of Group Life and Voluntary Life Insurance Policies.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003144 AYES: ALL

Child Support Services

17. Proclaim August, 2003 as "Child Support Awareness Month" for Merced County.

Probation

18. Approve and authorize Chairman to sign Renewal Contract No. 2001196 with Dos Palos/Oro Loma Unified School District to station a deputy probation officer at Dos Palos High School.
19. Approve and authorize Chairman to sign Renewal Contract No. 2003059 with Merced County Jail Ministry to provide educational, counseling and religious services to minors confined at Juvenile Hall.

Board Recognition

20. Authorize presentation of Certificate of Recognition in celebration of the Grand Opening of the Merced District Office by Congressman Dennis Cardoza.
21. Authorize Certificate of Recognition to Mike Mello for outstanding journalism and support to the County of Merced.
22. Authorize Certificate of Recognition to David Medley for services as 2002-2003 President of the Merced County Arts Council.
23. Authorize Certificate of Recognition to Verta and Ray Blevins for Art Angel Award by the Merced County Arts Council.
24. Authorize Certificate of Recognition to the 2003 Award Winners selected by the Greater Merced Chamber of Commerce as follows: Associate Member-James Marshall, Volunteer of the Year-Kathy Wyman, Home-Based Business of the Year-Fournier Sales, Small Business of the Year-Fluetsch and Busby Insurance Agency, Business of the Year-SBC, Humanitarian of the Year-Jim and Lu Edmonson, ATHENA Award-Kathy Andrade and Citizen of the Year-Dr. Benjamin Duran.
25. Authorize Certificate of Recognition to Flora Bills for dedicated service to Castle Airport.

Sheriff

26. Approve and authorize Chairman to sign Contract with State of Calif.-35th District Ag. Association for law enforcement services to be provided for the 2003 Fair held at the Merced County Fairgrounds held on July 14 through 20, 2003.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003145

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

27. Modification of Solid Waste Cash Handling Procedures to replace a Cash Difference Fund with a Change Fund and authorize replenishment and relief of shortages in the amount of \$241.18.

APPROVED AS RECOMMENDED AYES: ALL

28. Authorize Public Works to apply to the San Joaquin Valley Air Pollution Control District (SJVAPCD) for modification of the State Implementation Plan (SIP) to account for reductions in emission due to closure of Castle, allocation of conformity offsets due to closure and projected future growth of aviation uses at Castle thereby updating the Ozone Plan to reflect aviation re-use of Castle Airport.

APPROVED AS RECOMMENDED AYES: ALL

GENERAL SERVICES

29. Contract with Hankerson Cleaning Service for janitorial service for county-leased facilities at District Attorney Offices located at 625, 658 and 656 West 20th Street; Livingston Branch Library and Mental Health Youth Services.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003146 AYES: ALL

30. Contract with Araiza's Express Janitorial Services for janitorial services for county-leased facilities located at Human Services Agency ABC Program, Los Banos Library, Mental Health Westside and Youth Services and Public Works Los Banos Road Division.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003147 AYES: ALL

31. Contract with American Building Maintenance Service for janitorial services for county-leased facilities located at the following facilities: Human Services Agency-Main Office, Community Services and Los Banos Office, Adult Services, Tranquility House, MAGIC and Los Banos ABC Program; Probation; District Attorney; Juvenile Hall; Merced Main Library and Atwater Branch; Children and Families Commission; Business-Economic Opportunities; Castle Airport and Aviation Center and Building 782 and 1340; Mental Health Northside; Animal Control Facility; Sheriff and Le Grand Community Center.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003148 AYES: ALL

AG. COMMISSIONER

32. Annual Work Plan and Reimbursable Budget Plan Renewal Contract No. 10220 with U.S. Dept. of Agricultural for Wildlife Services.

APPROVED AS RECOMMENDED AYES: ALL

33. Ratify Letter of Request sent to Governor's Office of Emergency Services on July 15, 2003 relative to request for Merced County Disaster Declaration due to wheat stripe rust damage from April/May rains.

APPROVED AS RECOMMENDED AYES: ALL

BUSINESS-ECONOMIC OPPORTUNITIES

34. Authorize submittal of Application to the Governor's Environmental and Economic Leadership Award Program for the Ag. Waste Management Loan Program and authorize BEO Director to sign application documents.

APPROVED AS RECOMMENDED AYES: ALL

35. Contract with Chabin Concepts, Inc. for Needs Assessment for the creation of a Countywide Business Assistance Finance Center (RFP - 5829).

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003149 AYES: ALL

36. Authorize Staff to proceed with the development of Application(s) to the Community Development Block Grant Program for Enterprise Fund and Over-the-Counter Allocations for FY 2003-04 and set public hearing for September 9, 2003 at 10:30 a.m. to consider the Grant Applications.

APPROVED AS RECOMMENDED AYES: ALL

FIRE

37. Authorize Sole Source Purchase of 8 Survivair's Sigma Self-Contained Breathing Apparatus for the Merced County Fire Department.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

38. Adopt Resolution opposing the State Water Resources Control Board fees for Animal Confinement Facilities and direct Staff to testify and submit the Resolution at the Public Workshop on July 28, 2003 and authorize Letter to legislative representatives requesting assistance.

ADOPTED RESOLUTION NO. 2003-130 AS RECOMMENDED AYES: ALL

AUDITOR-CONTROLLER

39. Contract with Elections Systems & Software, Inc. (ES&S) for Voter Registration and Election equipment purchase, authorize existing equipment Surplus and authorize the trade-in to ES&S for \$80,000.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003141 AYES: ALL

EXECUTIVE OFFICE

40. Award Contract No. 5283 to Freese & Gianelli for Auto Physical Damage and General Liability Claims Investigation and Adjustment Services and authorize establishment of Bank Account at Funding Level of \$60,000.

APPROVED AS RECOMMENDED AYES: ALL

41. Adopt Resolution adopting Section 1592.4 of the 1937 Retirement Act and authorizing contributions to the 401(h) Account for Retiree Health which provides for Merced County Employees Retirement Association (MCERA) to continue to provide support for retiree health insurance that was non-taxable to the retiree.

ADOPTED RESOLUTION NO. 2003-131 (Retirement Act) AND RESOLUTION NO. 2003-132 (401(h) Account-Retiree Health) AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

42. Authorize Award of Contract for the Los Banos Library Restroom Remodel to Commercial Construction Company understanding during Final Budget Hearings a recommendation will come forth to transfer \$2,000 from Special Board Projects-District Five to CIP BU 17000/87439-Los Banos Library Restroom Remodel.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003116 AS RECOMMENDED AYES: ALL

COUNTY COUNSEL

43. Contract with Lozano Smith, A Professional Corporation for Special Legal Services in connection with Merced County Superior Court Case No. 145941 and Court of Appeal No. F041200 as well as general government legal matters.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003150 AYES: ALL

BOARD APPOINTMENTS

44. Winton Municipal Advisory Council.

APPOINTED KURT ROWLEY TO SERVE AS A MEMBER OF THE WINTON MUNICIPAL ADVISORY COUNCIL UNTIL MARCH 31, 2007 AYES: ALL

SHERIFF

45. Authorize Sheriff to pursue purchase of air support and return to the Board with further details.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

46. City of Merced City Council re: Resolution amending Merced Underground Utility District No. 09.

47. Los Banos Unified School District re: Resolution establishing Community Facilities District No. 1 and calling an election for the approval of the levy of the special tax, issuance of bonds and establishment of an appropriations limit to the qualified electors of Community Facilities District No. 1.

48. Madera County Board of Supervisors re: Letter of opposition regarding Senate Bill 440-Burton, Binding Arbitration and Letter of Support regarding SB 1579 - Cogdill, Workers Compensation.

REVIEW BOARD ORDER – SEE PAGE 9

49. State Dept. of Veterans Affairs re: Information regarding current statistics concerning the successful operations and accomplishments of your County Veterans Services Office.

50. U.S. Fish and Wildlife Service re: News Release Notice - Santa Rosa, Santa Maria Hearings set for comment period extended on proposed listing of California Tiger Salamander.

51. Inter-Tribal Council of California, Inc. re: Notice of 35th Annual Delegates Conference and Statewide American Indian Conference on Family Domestic Violence Prevention.

52. The National Center on Addiction and Substance Abuse at Columbia University re:
Request for support with Family Day.

REVIEW BOARD ORDER – SEE PAGE 9

53. State Board of Equalization re: Riverside County Assessment Practices Survey.

**ADOPTED RESOLUTION AND ADJOURNED MEETING IN MEMORY OF CALLIE
BEATTY COKER UNTIL AUGUST 12, 2003 AT 10:00 A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – JULY 22, 2003

INFORMATION ITEM NO. 48

2003-07-22 BOARD OF SUPERVISORS

Upon motion of Supervisor Kelsey, seconded by Supervisor Nelson, duly carried the Board authorizes the Chairman to sign a Letter of Opposition to Senate Bill (SB) 440-Burton, which mandates a system of binding arbitration for settlement of labor disputes by law enforcement officers and firefighters.

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

INFORMATION ITEM NO. 52

2003-07-22 BOARD OF SUPERVISORS

Upon motion of Supervisor Kelsey, seconded by Supervisor Nelson, duly carried, the Board adopts a Proclamation in recognition of Family Day on September 22, 2003 and authorizes submission to The National Center on Addiction and Substance Abuse at Columbia University

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