



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, FEBRUARY 24, 2004

Closed Session – 8:30 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
MICHAEL G. NELSON.....DISTRICT 3
CHAIR 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

8:30 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: One Case

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 Negotiators 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 AT 8:30 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED THERE WERE NO REPORTABLE ITEMS

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

ADDED AGENDA ITEM:

REVIEW BOARD ORDER – SEE PAGE 9

THE BOARD FINDS THE NEED TO CONSIDER ANTICIPATED LITIGATION AND PLACES THE ITEM ON THE AGENDA FOR CONSIDERATION AYES: ALL

10:00 A. M.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

Dos Palos Community Center/California Health Collaborative - Community Challenged Grants

REVIEW BOARD ORDER – SEE PAGE 9

Central California Energy Resource Authority - A Public-Private Venture Proposal to Secure a Controllable Energy Future

REVIEW BOARD ORDER – SEE PAGE 9 AND 10

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: Dustin Costa and Assistant Sheriff Bill

Blake

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 19)

APPROVED AS RECOMMENDED MODIFYING ITEM #6

AYES: ALL

REPORTS/BOARD DIRECTION

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

10:30 A. M.

TREASURER-TAX COLLECTOR - PROPOSED ORDINANCE - FIRST READING, SET SECOND READING AND POSSIBLE ADOPTION FOR MARCH 9, 2004 AT 10:30 A.M.

An Ordinance delegating Investment Authority to the Merced County Treasurer under the provisions of Government Code Sections 27000.1 and 53607

REVIEW BOARD ORDER – SEE PAGE 10

CONSENT CALENDAR (Items #1-19)

APPROVED AS RECOMMENDED WITH MODIFICATION TO CONSENT ITEM #6

AYES: ALL

Public Works

1. Adopt Resolution of Intent setting a public hearing for March 30, 2004 at 10:30 a.m. to consider Road Name Change changing the name of Nguyen Drive to Clear Creek Drive in the Atwater area.

ADOPTED RESOLUTION NO. 2004-29

2. Adopt Resolution designating the intersection of Dulcinea Street and Cody Avenue as part of Casa de Suenos Subdivision as a Stop Intersection and authorize installation of a Stop Sign on Dulcinea Street approach to the intersection in Planada.

ADOPTED RESOLUTION NO. 2004-30

Business-Economic Opportunities

3. Approve and authorize Chairman to sign Addendum to Contract No. 2003233 with Daryl Jordan and Jose Santoyo dba Sierra del Pacifico Engineering, LLC (Castle Airport Sublease) for use of an office area at the Video Conference Center at Castle Airport Aviation and Development Center.

Budget Transfers

4. Approve Budget Transfers submitted by Fire-\$2,154, Sheriff-\$750 and Public Works-\$5,000 (#029).

Health

5. Approve and authorize Chairman to sign Contract No. 2004033 with Human Services Agency for provision of a variety of health related services to client children and authorize Health and H.S.A. Director to sign subsequent amendments within the contract budgeted amount.

Human Services Agency

6. Approve and authorize Chairman to sign Renewal Contract No. 2004034 with Merced Community College District for professional and special services to foster care children and authorize the H.S.A. Director to sign changes/amendments within the contract amount.

REVIEW BOARD ORDER – SEE PAGE 10

7. Approve and authorize Chairman to sign Amendment to Contract No. 200297 with Valley Caregiver Resource Center to modify funding and increase contract in the amount of \$63,982 for the Family Caregiver Program.
8. Approve and authorize Chairman to sign Amendment to Contract No. 2004035 with Dept. of Workforce Investment to modify funding and increase contract in the amount of \$2,896 for Senior Community Services Employment Program.

Mental Health

9. Approve and authorize Chairman to sign Renewal Contract No. 2003083 with State Dept. of Mental Health for State Hospital Bed Usage.

Community Action Agency

10. Adopt Resolution authorizing CAB Chair to sign Contract with Calif. Dept. of Community Services and Development for the 2004 Low Income Home Energy Assistance Program (LIHEAP) funding for FY 2004.

ADOPTED RESOLUTION NO. 2004-31

11. Approve and authorize CAB Chairman to sign Contract Renewal with Nick Von Allman for Women, Infants, and Children Dos Palos Site Facility.
12. Accept and place CAA Information, Staff and Committee Reports on file.

Board Recognition

13. Proclaim the week of March 14 through 20, 2004 as "Portuguese Immigrant Week" in Merced County.
14. Authorize Certificate of Recognition to Luanna Correia for 19 years of service to the Housing Authority of the County of Merced.
15. Authorize Certificate and Plaque in Recognition of Merced College Delhi Center Grand Opening Reception.
16. Authorize Certificates of Recognition to Merced County Historical Society Members for Awards as follows: Bob Souza-2003 President; Nat Woodhouse-Life Membership Award; Coleen Stanley Bare-Letus Wallace Award; Jim Cunningham-Heacox Pioneer Award; Dos Palos Historical Society and Snelling Courthouse Historical Foundation for Estep Burchell Community Grant Award.
17. Authorize Certificate and Plaque in recognition of Delhi Chamber of Commerce Grand Opening Celebration.
18. Authorize Certificates of Recognition to the following that serve on the Winton Post Explorer #332 as Command-Capt. Ying Xiong, Lt. Beng Lee, Lt. Charlie Xiong and Sgt. Jennifer Walters; Squad 1-Sgt. Xia Vue Vang, Cpl. Nou Xiong, Kue Yang, Jose Cuevas, Audrey Armas and Cynthia Fernandez; Squad 2-Sgt. Alys Scoggins, Cpl. Yuepheng Yang, Pa Vang, Ngou Vang, John Lee and Shoua Lor; Squad 3-Sgt. Don Xiong, Cpl. Mua Yang, Joey Armas, Damien Diaz, Cody Kelsey and Mee Lor; and Squad 4-Sgt. Leng Vang, Cpl. Kong Vang, Anna Yang, Lai Lor, Peter Lee and Adam Ponce.

Board of Supervisors

19. Set public hearing for March 9, 2004 at 10:30 a.m. to consider an Appeal submitted by Lydia Miller to Planning Commission decision of Conditional Use Permit No. 99022 - Vander Woude Dairy.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

20. Resolution authorizing submittal of Safe Routes to School Grant Applications for the Fifth Cycle Application as prioritized in the Fourth Cycle that was not granted.

ADOPTED RESOLUTION NO. 2004-32 AS RECOMMENDED AYES: ALL

21. Authorize Public Works to request the City of Merced formally recognize the Veteran's Memorial Building located at 939 West Main Street, Merced as a Historic Asset in the City of Merced and follow up with a similar request to the Merced County Historical Sites list.

APPROVED AS RECOMMENDED AYES: ALL

22. Approve plans and specifications for Coroner's Facility Decomposition Room/Re-roof Project; authorize Public Works to advertise bids and conduct bid opening; direct Public Works to return to the Board with results and recommended award to the lowest responsible bidder providing the amount is within the established budget and approve the necessary budget transfer-\$107,018. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

BUSINESS-ECONOMIC OPPORTUNITIES

23. Authorize the Release of Request for Proposal (RFP) for Foreign Trade Zone No. 226 Consulting Services and authorize Staff to prepare a contract with awarded/selected vendor subject to Counsel review and return to the Board for final contract approval.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

24. Resolution authorizing submission of the Solid Waste Local Enforcement Agency Grant Application for 2004-2005 and authorize the Chairman to sign the necessary documents and Environmental Health to sign all payment requests.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004037 AND ADOPTED RESOLUTION NO. 2004-33 AYES: ALL

25. Resolution authorizing Chairman to sign Contract with Calif. Integrated Waste Management Board for the Used Oil Opportunity Grant, authorize Environmental Health to issue payment requests and approve the necessary budget transfer-\$38,900. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004038 AND ADOPTED RESOLUTION NO. 2004-34 AYES: ALL

26. Contract with Merced County Children and Families Commission for the "Safe Fun in the Sun" Mini-Grant Project and approve necessary budget transfer-\$15,000. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004039 AYES: ALL

AUDITOR-CONTROLLER

27. Approve a maximum cash flow loan of \$1,206,000 to the CIP-Juvenile Justice Facility Fund with loan to be repaid as soon as the County receives the 20% retention from the State Board of Corrections.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

28. Amendment to Contract with Calif. Dept. of Aging increasing the contract amount in the amount of \$79,120 for the Community Based Service Programs and approve the necessary budget transfer-\$24,834. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004040 AYES: ALL

29. Amendment to Contract with California Dept. of Aging for an increase in the contract amount of \$25,436 for the Title III/VII Senior Services and approve the necessary budget transfer-

\$25,436. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004041 AYES: ALL

30. Amendment to Contract with A Woman's Place for services to CalWORKs clients who are victims of domestic violence increasing the contract amount by \$33,000 and approve the necessary budget transfer-\$33,000.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004042 AYES: ALL

31. Contract with North Fork Rancheria for coordination of services between CalWORKs Program and the Tribal Temporary Assistance to Needy Families.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004036 AYES: ALL

SHERIFF

32. Contract with Central Valley High Intensity Drug Trafficking Area to accept the Funding from the Office of the National Drug Control Policy-Consolidated Priority Organizational Targets Funding (CPOT) in the amount of up to \$10,000 to offset overtime for deputies when targeting Priority Target Drug Violators.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004043 AYES: ALL

33. Authorize the Sheriff to apply for the Office of Traffic Safety Grant under the 2004 State Criminal Alien Assistance Program (SCAAP) through the computerized INTERNET application process and authorize the Chairman to sign.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004044 AYES: ALL

MENTAL HEALTH

34. Amendment to Contract with Probation for provision of assessment and supervision of eligible Substance Abuse and Crime Prevention Act (SACPA) clients and increase contract in the amount of \$20,000 and approve the necessary budget transfer-\$20,000.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200227 AYES: ALL

EXECUTIVE OFFICE

35. Authorize aligned Extra Help Building Plan Check Technician at \$19.04/hour to Public Works and delete the Extra Help classification of Architectural Technician and adopt Resolution.

ADOPTED RESOLUTION NO. 2004-35 AS RECOMMENDED AYES: ALL

CHILD SUPPORT SERVICES

36. Contract with Specialized Litigation Services, Inc. as the primary contractor for Service of Process in both the State of California and out of State.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004045 AYES: ALL

37. Amendment to Contract with Moonlight Investments to immediately terminate Contract to provide for final payments and to enter into a new month-to-month tenancy for the same premises until June 30, 2004 unless earlier terminated as provided; authorize the Auditor to make the required payment to Moonlight Investments and approve the necessary budget transfer-\$100,405.00. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001288 AYES: ALL

BOARD OF SUPERVISORS

38. Recognize April 18-24, 2004 as Volunteer Week in order to coincide with National Volunteer Week and endorse the National theme "Volunteers Inspire by Example"; set April 27, 2004

for the Volunteer Recognition and Service Program and set March 19, 2004 as the deadline to receive Nominations/Applications.

APPROVED AS RECOMMENDED AYES: ALL

39. Authorize expenditure of \$1,200 to the Winton CLEO (Community Law Enforcement Office) for supplies and equipment and \$250 to the Winton Historical Society for historical preservation efforts from Special Board Project Funds-District Four.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

40. District Five - Los Banos Cemetery District.

REAPPOINT TED MEZA, TONY MELILLO AND ALDO SANSONI TO SERVE TWO YEARS UNTIL JUNE 7, 2007 AS MEMBERS OF THE LOS BANOS CEMETERY DISTRICT IN ORDER TO EFFECT THE STAGGERED TERMS PROVIDED IN HEALTH AND SAFETY CODE SECTION 9024 AYES: ALL

41. Housing Authority of the County of Merced.

REAPPOINT EARL WONG TO SERVE AS A MEMBER OF THE HOUSING AUTHORITY OF THE COUNTY OF MERCED UNTIL FEBRUARY 18, 2008 AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

42. Public Works re: Contract Award for the Upgrade of Electrical and Telephone Wiring at the Los Banos Human Services Agency Building to R.G. Electric Company.
AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2004079
43. Dept. of Workforce Investment re: Workforce Investment Act Performance Goals.
44. Fire re: Merced County Fire Dept. Accomplishments - 2003.
45. Housing Authority of the County of Merced re: Letter of support of the programs and services made available at the Dos Palos Community Center through Community Challenge Funding.
46. Regional Council of Rural Counties re: Student Scholarships available for 2004.
47. Madera County Board of Supervisors re: Opposition to Legislation exempting Friant Water from Application of County of Origin and Watershed of Origin Statutes.
48. Kings County Board of Supervisors re: Auto Insurance Cost Based Rating.
49. Great Valley Center re: Assessing the Region via Indicators (Education and Youth Preparedness).
50. California High-Speed Rail Authority re: Notice of solicitation of public comments on the Draft Program Environmental Impact Report (EIR)/Environmental Impact Study (EIS) of the California's Proposed High-Speed Train System.
51. State Office of Traffic Safety re: Notice of Approval of a Six-Month no-cost time extension for the "Child Car/Booster Seat Safety Program - Kids Ride Safe" Project.
52. State Water Resources Control Board re: Notice of Petition by the U.S. Bureau of Reclamation requesting approval of a temporary urgency change in permit term for New Melones Reservoir Storage under Permitted Application 14858A and 19304.

53. State Water Resources Control Board re: Notice of Petition for Temporary Change involving the transfer of up to 150,000 acre-feet of water from the Yuba County Water Agency to the Dept. of Water Resources and Contra Costa Water District Under Permit 15026 (Application 5632).
54. U.S. Dept. of the Interior re: Not warranted finding for the Midvalley Fairy Shrimp (*Branchinecta Mesovallensis*).
55. The California Wellness Foundation re: Annual Report 2003 - The Teen Pregnancy Prevention Initiative.

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF JULIO ESPINOSA AND RUTH ALVAREZ UNTIL TUESDAY, MARCH 9, 2004 AT 10:00 A.M.

BOARD ORDER – SUMMARY ACTION MINUTES – FEBRUARY 24, 2004

8:30 A. M. SCHEDULED ITEM

2004-02-24 ADDED AGENDA ITEM - CLOSED SESSION

The Board recesses to meet in Closed Session at 8:30 a.m. and reconvenes at 8:35 a.m. with all members present.

County Counsel Ruben Castillo advises a matter has arisen that requires Board consideration concerning anticipated litigation.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board finds a need arose, subsequent to the posting of the agenda, to consider the following and places the matter on the Agenda for Board consideration:

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: One Case.

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

The Board recesses at 8:37 a.m. into Closed Session with all members present.

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

10:00 A.M. SCHEDULED ITEMS

2004-02-24 PRESENTATIONS – Dos Palos Community Center/California Health Collaborative

Isabel Nash, representative from the Dos Palos Community Center and Celeste Ramos, Program Coordinator of the California Health Collaborative are present and introduce participants involved with the program who speak in support. Ms. Nash and Ms. Ramos review and submit documents outlining the Program operation and grant award requesting the Board get the message to the state legislators of the effect that the elimination of the Community Challenge Grant Programs would have on our society.

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

10:00 A. M. SCHEDULED ITEMS

2004-02-24 PRESENTATIONS - Central California Energy Resource Authority

Dan Novo, representing the Central California Energy Resource Authority, A Public-Private Venture Proposal to secure a controllable energy future, presents an overview of California energy industry projections and covers how Merced County can participate in the formation of a joint powers authority with participants housing an electric power facility(s) and selling excess

power generated to electric distributors throughout the State. He submits documents for the Board's review and file.

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

10:30 A.M. SCHEDULED ITEM

2004-02-24 TREASURER-TAX COLLECTOR – PROPOSED ORDINANCE

The time and date previously set for First Reading to consider Proposed Ordinance titled An Ordinance delegating Investment Authority to the Merced County Treasurer under the provisions of Government Code Sections 27000.1 and 53607.

Treasurer-Tax Collector Karen Adams identifies the members of the Oversight Committee and reviews investment policies.

The Chairman asks if there is anyone present wishing 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 titled an Ordinance delegating Investment Authority to the Merced County Treasurer under the provisions of Government Code Sections 27000.1 and 53607.

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

Following discussion and upon motion of Supervisor O'Banion moves, seconded by Supervisor Cortez Keene, duly carried, the Board sets second reading and possible adoption for March 9, 2004 at 10:30 a.m.

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

CONSENT ITEM NO. 6

2004-02-24 HUMAN SERVICES AGENCY

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board approves and authorizes the Chairman to sign Renewal Contract No. 2004034 with Merced Community College District for professional and special services to foster care children.

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