



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, APRIL 06, 2004

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
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

9:00 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: Two Cases

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:
Pearson v. County of Merced, Case No. 147254
Turner v. County of Merced, Case No. 147523
Kudulis v. County of Merced, Case No. 147536
Aguauo v. County of Merced, Case No. 147547

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 RECEESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH SUPERVISOR CORTEZ KEENE NOT PRESENT AND THE CHAIRMAN ADVISED THERE WERE NO REPORTABLE ITEMS

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: Kristine Walter representing Comcast

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) [Child Support Services - \\$90,000 and Library - \\$40,084](#)

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

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

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

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS) **ADDED AGENDA ITEM:**

REVIEW BOARD ORDER – SEE PAGE 9

THE BOARD FINDS THE NEED TO CONSIDER ACTION ON A REQUEST TO USE CASTLE FOR SYMPOSIUM AND PLACES THE MATTER ON THE AGENDA FOR BOARD CONSIDERATION AYES: 2, 3, 4, 5 NOT PRESENT: 1

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items #1-21)

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

Public Works

1. [Authorize the Winton Spring Festival Committee to use](#) Winton County Park from April 22-25, 2004 for Annual Spring Festival, waive restriction on amplified sound equipment for the dance bands, waive restriction on alcohol and authorize the sale of beer to the public, waive the restriction of animals in the park for the pony rides and demonstration purposes subject to conditions.

REVIEW BOARD ORDER – SEE PAGE 9 & 10

2. [Adopt Resolution designating the intersection of August](#) Avenue and Griffith Avenue as an All-Way Stop Intersection and authorize installation of stop signs.

ADOPTED RESOLUTION NO. 2004-59

3. [Adopt Resolution authorizing the Chairman to sign](#) the granting of an easement to Pacific Bell Telephone Company, a California Corp., along the Easterly boundary of the Juvenile Justice Correctional Complex Site for aerial and underground communication facilities which services the Correctional Facility.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004070 AND ADOPT RESOLUTION NO. 2004-60

Travel Requests

4. [Approve Travel Requests submitted by District](#) Attorney as recommended by Executive Office.

Health

5. [Approve and authorize Chairman to sign Amendment to](#) Contract No. 2003137 with California EMS Agency to receive funds for the purchase of computer hardware and an internet-based hospital/EMS communications systems.
6. [Approve and authorize Chairman to sign Amendment](#) to Contract No. 2004071 with State Dept. of Health Services for AIDS services.
7. [Approve and authorize Chairman to sign Renewal](#) Contract No. 200248 with Butte County as Host County for Medi-Cal Administrative Activities/Targeted Case Management Activities and approve the necessary budget transfer.

Mental Health

8. [Approve and authorize Chairman to sign Renewal](#) Contract No. 2004072 with Milhous Children Services for residential treatment facility that provides specialty mental health services for youth.
9. [Approve and authorize Chairman to sign Amendment](#) to Contract No. 2000190 with Chae Sun Lee for Livingston Office Space.
10. [Proclaim May, 2004 as "Drug Court Month" in the County](#) of Merced.

Budget Transfers

11. [Approve Budget Transfers submitted by](#) Public Works-\$24,600 (#046) and Fire-OES-\$37,208 as recommended by Executive Office.

Executive Office

12. [Approve and authorize Chairman to sign Amendment](#) to Contract No. 2001254 with Dr. Hamm for Pre-Employment Evaluations/Fitness for Duty services.

Community Action Agency

13. [Approve and authorize CAB Chair to sign Amendment](#) to Contract with State Dept. of Community Services for Low Income Home Energy Assistance Program (LIHEAP) increase in funding for a total amount of \$393,356.
14. [Approve and authorize CAB to submit a request for](#) funding to United Way of Merced County in the amount of \$10,000 for Senior Nutrition Program to supplement federal Older Americans Act funding and authorize CAB Chair to sign Contract.
15. [Approve the Letter of Intent for Salton Settlement Fund](#) to promote nutrition enhancement and education programs in the amount of \$87,300 and authorize the CAB Chair or Executive Director to sign and submit the application for grant award.
16. [Approve the Application for the Grant under the Public](#) Utilities Commission called "Reach for the Stars" and authorize the CAB Chair or Executive Director to sign the contract with the Public Utilities Commission.
17. [Accept and place CAA Information, Staff and Committee](#) Reports on file.

Board Recognition

18. [Authorize Certificate of Recognition to Mary Wickstrom](#) for Philanthropic Endeavors and Community Service for 2003 selected by the Common Threads.
19. [Authorize Certificate of Recognition to](#) Atwater Senior Social Club in Celebration of their 37th Anniversary.
20. [Authorize Certificate of Recognition to Kiwanis Club of](#) Merced in celebration of their 75th Anniversary and the dedication of the local club members in promoting civic and youth activities.
21. [Authorize Certificate of Recognition to Surf-N-Stuff,](#) Public Works-Parks Division and Community Service Dept.-Recreation Division in honor of selection as Advocates of the 3rd Quarter by the Atwater Chamber of Commerce.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

22. [Award Contract to John Rohrer Construction](#) for Replacement of Dry Rot Fascia Trim at Human Services Agency.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004073 AYES: 2, 3, 4, 5
NOT PRESENT: 1**

23. [Reject the three bids received for the Upgrade at the](#) Los Banos County Building-Human Services Agency and approve the revised Plans and Specifications and authorize the re-advertisement for competitive bids with direction to Public Works to return to the Board with

recommendations.

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

24. [Authorize purchase of a new Survey Total Station to](#) replace Total Station that was damaged beyond repair and approve the necessary budget transfer.

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

25. [Authorize expenditure of \\$512 of Special Board Project](#) Funds-District Four for the purchase of a cement bench with a personalized plaque to be forwarded to the Gustine Chamber of Commerce and approve the necessary budget transfer.

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

26. [Contract with R3 Consulting Group, Inc. for financial](#) Analysis of Solid Waste Enterprise.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004074 AYES: 2, 3, 4, 5 NOT PRESENT: 1

27. [Contract with Community Action Agency to allow](#) the Head Start Program to park its vehicle on County Property located at 715 Martin Luther King Jr. Way.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004075 AYES: 2, 3, 4, 5 NOT PRESENT: 1

HEALTH

28. [Contract with Golden Valley Health Center](#) for Office space for the Healthy Communities Access Project (HCAP) administrative and professional staff.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004076 AYES: 2, 3, 4, 5 NOT PRESENT: 1

FIRE

29. [Authorize the purchase of one replacement](#) command vehicle in the amount of \$36,500 and approve the necessary budget transfer.

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

30. [Authorize submission of Grant Application and authorize County Fire Chief to sign as authorized official for](#) Volunteer Fire Assistance FY 2004/05 Funding with California Dept. of Forestry and Fire Protection and direct the Fire Chief to return to the Board with recommendation prior to accepting the award.

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

31. [Contract with Calif. Dept. of Forestry and Fire](#) Protection for FY 2003/04 and authorize the Chairman to sign appropriate documents.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004077 AND ADOPTED RESOLUTION NO. 2004-61 AYES: 2, 3, 4, 5 NOT PRESENT: 1

PLANNING

32. [Approve and authorize Chairman to sign Addendum](#) to Contract No. 2002245 with Resource Design Technology for additional costs of Environmental Impact Report preparation for the Jaxon Mine Expansion Project and approve the necessary budget transfer-\$36,760. (4/5 Vote Required)

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

33. [Approve and authorize Chairman to sign Addendum](#) to Contract No. 2002246 with Jaxon Enterprises, Inc. for reimbursement of additional costs of Environmental Impact Report.

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

BUSINESS-ECONOMIC OPPORTUNITIES

34. [Approve update to the Job Creation Investment Plan](#) which will also serve as the Comprehensive Economic Development Strategy for the County.
APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

SPRING FAIR-LOS BANOS

35. [Contract with Headliner Entertainment at Spring Fair](#) on April 29, 2004 in the amount of \$26,000 and authorize the Chairman to sign appropriate documents.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004078 WITH JOHN McENTEE AYES: 2, 3, 4, 5 NOT PRESENT: 1

36. [Resolution for a Non-Revolving Line of Credit](#) for the 2003-2004 Merced County Spring Fair to provide payments to sellers of the Junior Livestock Auction by Los Banos-County Bank; funds to be repaid as payments are received, loan will be for a maximum of \$550,000, will mature 9/10/04 and bear an interest rate set at prime, with interest to be donated back to The Fair after redemption and authorize the Auditor to issue the change fund for operation of the Fair.
ADOPTED RESOLUTION NO. 2004-62 AND APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

AUDITOR

37. [Approve Line of Credit in the amount of \\$150,000 to](#) the Merced County Spring Fair to operate the Fair and Junior Livestock Auction, loan will be for period of April 15 through September 30, 2004 for the operation of the Fair and for the period of October 1, 2004 and February 28, 2005, the line of credit will be reduced to \$40,000 with both loans to bear an interest rate equal to the Treasury rate of approximately 3.5% on the unpaid balance per annum.
APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1
38. [Cancel Contract No. 99159 with Moss Adams, LLP for Audit](#) Services as mutually agreed to and approve issuing a Request for Proposal to perform the Annual Audit of Merced County Financial Statements, Federal Single Audit and independent grant audits and authorize contract negotiations by staff with the most responsive firm to perform as required by the Request for Proposal and to return to the Board with recommended approval.
APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

EXECUTIVE OFFICE

39. [Grant retroactive merit step increase for Employee No. 56433](#), Accounting Technician, in the Treasurer's Office effective November 17, 2003, Pay Period 25.
APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1
40. [Approve modified job specifications to the classification](#) of Public Health Program Manager and Health Education Specialist, allocate five additional bilingual designations to the Health Department and adopt Resolution.
ADOPTED RESOLUTION NO. 2004-63 AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

BOARD OF SUPERVISORS

41. [Authorize Letter of Support for California Dept.](#) of Food and Agriculture relative to budget cuts and forward correspondence to appropriate legislative representatives and to all Board Chairs in the Central Valley region requesting additional letters of support.

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

BOARD APPOINTMENTS

42. [Merquin County Water District.](#)

APPOINTED LLOYD VIRGO TO SERVE AS A MEMBER OF THE MERQUIN COUNTY WATER DISTRICT UNTIL DECEMBER 5, 2007 AYES: 2, 3, 4, 5 NOT PRESENT: 1

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED INFORMATION ON FILE AYES: 2, 3, 4, 5 NOT PRESENT: 1

43. [County of Madera re:](#) Consideration of support of Water Oversight Committee letter supporting position of Madera County Farm Bureau and Madera Irrigation District position to protect and defend water rights of Madera County.
44. [Bureau of Land Management re:](#) An Opportunity to get involved in managing your Public Lands Notice of four openings on the Resource Advisory Council serving Central California.

ADJOURNED MEETING IN MEMORY OF JOHN CONRAD UNTIL TUESDAY, APRIL 27, 2004 AT 10:00 A.M.



ADDENDUM AGENDA BOARD OF SUPERVISORS

SUMMARY ACTION MINUTES TUESDAY, APRIL 06, 2004 Regular Meeting – 10:00 a.m.

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BOARD ACTION

ADDENDUM ITEM

1. Approve a Line of Credit for the Community Action Agency for a period of 90 days, if needed, so daily operating expenses and normal business can be continued without interruption with the Agency reimbursing the County at the treasury rate.

REVIEW BOARD ORDER – SEE PAGE 10

BOARD ORDERS – SUMMARY ACTION MINUTES – APRIL 6, 2004

10:00 A. M. ADDED AGENDA ITEM

2004-04-06 BUSINESS-ECONOMIC OPPORTUNITIES

Upon motion of Supervisor Crookham, seconded by Supervisor O'Banion, duly carried, the Board finds a need arose subsequent to the posting of the agenda, to consider the use of Castle on April 22-25, 2004 and places the matter on the Agenda for Board consideration.

Ayes: Kelsey, Crookham, Nelson, O'Banion

Not Present: Cortez Keene

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board authorizes the use of Castle Airport and Aviation Center for the period of April 22 through 25, 2004 for the 25th Annual Air Force Boom Operators Symposium by the Boom Operators and waives the liability of the insurance as requested by the Boom Operators.

Ayes: Kelsey, Crookham, Nelson, O'Banion

Not Present: Cortez Keene

CONSENT ITEM NO. 1

2004-04-06 PUBLIC WORKS

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board authorizes the Winton Spring Festival to use the Winton County Park from April 22-25, 2004 for Annual Spring Festival, waive restriction on amplified sound equipment for the dance bands, waive restriction on alcohol and authorize the sale of beer to the public, waive the restriction of animals in the park for the pony rides and demonstration purposes subject to the following conditions:

1. The Winton Spring Festival Committee to provide the County of Merced with a Certificate of Insurance certifying liability and property damage insurance coverage of a minimum of one million dollars combined single limits for all activities to be conducted at the Park.
2. The Winton Cowboys non-profit organization is to provide the County of Merced with a Certificate of Insurance certifying liability coverage, including liquor liability insurance, of a minimum of one million dollars combined single limits to cover the sale of alcoholic beverages to the general public. All Certificates of Insurance must include the endorsement "The County of Merced, its agents, officers and employees are additional insureds".
3. The sale of alcoholic beverages shall comply with the rules, regulations, and requirements of the California State Department of Alcoholic Beverage Control.
4. The carnival operator shall have valid permits and inspection certificates required by the State of California to operate this type of business.
5. The Committee shall provide additional portable restroom facilities as required by Health Department as may be needed, at no cost to the County of Merced.

6. Contract with the Sheriff's Department for security personnel, or should private security be used, the Sheriff's Department will need to approve the firm used and coordinate its activities.
7. Provide additional refuse bins as may be required or arrange for the daily removal of refuse.
8. Obtain all necessary Health Permits and Business License Permits as required by the Health Department and Business Economic Development.

Ayes: Kelsey, Crookham, Nelson, O'Banion

Not Present: Cortez Keene

BOARD ORDERS – SUMMARY ACTION MINUTES
ADDENDUM AGENDA – APRIL 6, 2004

ADDENDUM ITEM #1

2004-04-06 COMMUNITY ACTION AGENCY

Community Action Agency Community Action Board Chairman Onis Lentz provides Staff Report advising of the CAA shortfall of \$327,000. He states the Community Action Agency is requesting the Board approve and authorize a 90 Day Line of Credit for the Community Action Agency, if needed, so daily operating expenses and normal business can be continued without interruption with the Agency reimbursing the County at the treasury rate.

County Counsel Ruben Castillo advises the Board the County cannot support this line of credit and recommends denial of the Community Action Board request stating the Community Action Board should go to a bank to request a line of credit.

Auditor-Controller Stephen Jones states it appears there are insufficient funds to make payroll this Friday and penalties will be imposed. Mr. Jones states he will help Community Action Board acquire a line of credit in anyway he can.

Following a lengthy discussion the Board refers this item to Staff asking Staff to work directly with Community Action Agency/ Community Action Board to help keep the organization and programs running.

Present: Kelsey, Crookham, Nelson, O'Banion

Not Present: Cortez Keene