

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, NOVEMBER 02, 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 Case(s)

**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; Deputy Sheriff Association, Unit 10 and Non-Safety Corrections, Unit 12

**THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT**

**10:00 A.M. WITH ALL MEMBERS 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: Dustin Costa**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Recorder-\$14,884**

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 12)**

**APPROVED AS RECOMMENDED AYES: ALL**

**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 - 12)**

**APPROVED AS RECOMMENDED AYES: ALL**

**Public Works**

1. Adopt Resolution for the Summary Vacation of a non-access easement on Noah Drive in the North Crown Estates Subdivision located in Atwater.

**ADOPTED RESOLUTION NO. 2004-206**

2. Adopt Resolution accepting a Grant Deed from Wilma J. Nunes and Earl Belloli for road purposes and public utility purposes along the south side of Noah Drive in Atwater.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004349 AND ADOPTED RESOLUTION NO. 2004-207**

**District Attorney**

3. Relieve the District Attorney Office from further accountability for Asset No. 0045273 and Asset No. 0045274 (surplus equipment) and authorize removal from its Fixed Asset Inventory List.
4. Approve and authorize Chairman to sign Renewal Contract No. 2004354 with Governor's Office of Emergency Services for Rural Crime Prevention Program Grant funds and

authorize the Certificate of Assurance completion.

**ADOPTED RESOLUTION NO. 2004-208**

Mental Health

5. Approve and authorize Chairman to sign Renewal Contract No. 2002219 with Rebekah Children's Services for specialty mental health services to beneficiaries.

Probation

6. Approve and authorize Chairman to sign Renewal Contract No. 2004355 with California Dept. of Education for National School Breakfast and National School Lunch Annual Participation Statement for FY 2004/05.

Human Services Agency

7. Approve and authorize Chairman to sign Amendment to Contract No. 2004117 with Mental Health for mental health counseling services to CalWORKs Employment and Training participants.
8. Approve and authorize Chairman to sign Amendment to Contract No. 2004118 with Mental Health for Alcohol and Drug counseling to CalWORKs Employment and Training Participants.
9. Approve and authorize Chairman to sign Renewal Contract No. 2004356 with Health to provide parenting/bonding classes.

Treasurer

10. Accept the Quarterly Investment Report for Quarter Ending September 30, 2004.

Board of Supervisors

11. Authorize Certificate of Recognition to Joseph Gallo Farms in celebration of the Grand Opening of the Cottonwood Dairy Methane Digester and Generator.
12. Approve Minutes of June 8, 15 and 22, 2004 as submitted.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

13. Resolution authorizing the Application for a Grant from the State Bicycle Transportation Account for construction of Class 2 Bicycle Lanes on Bellevue Road from G Street to UC Merced, commit to the Local Matching Funds with Department to return to the Board for approval and acceptance.

**ADOPTED RESOLUTION NO. 2004-209 AS RECOMMENDED AYES: ALL**

BUSINESS-ECONOMIC OPPORTUNITIES

14. Authorize Caltrans Matching Grant Application for FAA Airport Improvement Program Application for 5% in the amount of \$44,250 and authorize Chairman to sign Contract accepting funds with Calif. Dept. of Transportation.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004350 AYES: ALL**

15. Declare Items as Surplus Property Equipment and transfer said equipment to the County of Merced Food Bank, Inc. and Merced Rescue Mission.

**REVIEW BOARD ORDER – SEE PAGE 7**

#### PROBATION

16. Authorize Chief Probation Officer to sign the Federal Juvenile Justice Challenge Funding Grant Award Contract; authorize submission to the State Board of Corrections and approve the necessary budget transfer in the amount of \$10,000.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004357 AYES: ALL**

#### SHERIFF

17. Accept the 2004/2005 Local Assistance for Rural and Small County Law Enforcement Award of \$500,000 from the State in accordance with Government Code Section 30070 with revenue to be transferred to the Sheriff Trust Fund to return to the Board with a report on how funds will be expended.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004358 AYES: ALL**

18. Contract with Le Grand High School District for Contractual Deputy Sheriff.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004359 AYES: ALL**

19. Authorize purchase of three Law Enforcement Motorcycles with Standard Law Enforcement Markings and Equipment and approve the necessary budget transfer.

**REVIEW BOARD ORDER – SEE PAGE 7**

20. PULLED.

#### MENTAL HEALTH

21. Contract with Pennacles Foundation, Inc. for Residential Treatment Facility - Level 14.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004360 AYES: ALL**

#### AUDITOR-CONTROLLER

22. Authorize preparation and release of Request for Proposal for restoring, imaging, filming and rebinding of the Recorder's oldest records to protect the public and County and to select the most responsive provider to perform such services and to come back to the Board for final contract approval.

**APPROVED AS RECOMMENDED AYES: ALL**

#### FIRE

23. Authorize Grant Application submission for FEMA Fire Prevention and Safety and direct Fire to return to the Board for final award.

**APPROVED AS RECOMMENDED AYES: ALL**

## PLANNING

24. Contract with EMC Planning Group for preparing the Stevinson Ranch Community Plan/SUDP Expansion and related EIR and processing the Stevinson Ranch Specific Plan and approve the necessary budget transfer. (4/5 Vote Required)

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004361 AYES: ALL**

25. Contract No. 2004128 Amendment with Stevinson Ranch - Savannah, G.P. for preparation of Stevinson Ranch Community Plan/SUDP Expansion and related EIR and processing the Stevinson Ranch Specific Plan.

**APPROVED AS RECOMMENDED AYES: ALL**

## HEALTH

26. Accept Award from State Office of Traffic Safety for new Grant in the amount of \$236,772 for expansion for the child car/booster seat program into a County-Wide Occupant Safety Program, approve the addition of one Limited Term Position of Health Educator Administrator and the modified class specification and approve the necessary budget transfer. (4/5 Vote Required)

**ADOPTED RESOLUTION NO. 2004-211 AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004362 AYES: ALL**

## EXECUTIVE OFFICE

27. Approve Travel Request from Mental Health as recommended by Executive Office.

**APPROVED AS RECOMMENDED AYES: ALL**

28. Contract with Merced County Employees Retirement Association Board for professional services of the Deputy CEO (BU 10100, Position #8) as Interim Retirement Plan Administrator in accordance with Section 3.1 of the Human Resources Rules and Regulations for the time spent in that classification in excess of one bi-weekly pay period and expenses incurred in connection with the performance of these services.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004351 AYES: ALL**

## APPOINTMENTS

29. Hilmar Municipal Advisory Council - District Four.

**APPOINTED CONNIE LAURENCO, KEN OLDS AND REAPPOINTED GEORGE KAPOR UNTIL MAY 3, 2008 TO SERVE AS MEMBERS OF THE HILMAR MUNICIPAL ADVISORY COUNCIL AYES: ALL**

## BOARD INFORMATION & POSSIBLE ACTION

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

30. Dept. of Workforce Investment re: 2002/2003 WIA Subgrant Contract Award, Modification 8 with State Dept. of California Employment Development Department.
31. State Wildlife Conservation Board re: Grasslands Ecological Reserve, Merced and Grasslands Counties - notice of land acquisition consideration of a conservation easement over 1,710+/- acres of land for preservation and enhancement of wildlife habitat located in Merced County.

32. Calif. Association of Councils of Governments re: Notice of Fall Policy Meeting of CALCOG delegates and adoption of CALCOG Public Policy Priorities for 2005.

**ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF BILL BUCKHOLTZ AND TOM DOANE UNTIL NOVEMBER 9, 2004 AT 10:00 A.M.**

**BOARD ORDERS – SUMMARY ACTION MINUTES – NOVEMBER 2, 2004**

**ACTION ITEM NO. 15**

**2004-11-02 BUSINESS-ECONOMIC OPPORTUNITIES**

The Clerk states the item before the Board for consideration: Business-Economic Opportunities to declare listed Items as Surplus Property Equipment and transfer said equipment to the County of Merced Food Bank, Inc. and Merced Rescue Mission.

The Chairman asks if there is anyone present who wishes to speak.

Hubert Opalek and Betty Goudy speak on behalf of the County of Merced Food Bank, Inc. and Merced Rescue Mission.

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Nelson, duly carried, the Board moves to approve the transfer of Surplus Property Equipment to the County of Merced Food Bank, Inc. and Merced Rescue Mission as identified.

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

**ACTION ITEM NO. 19**

**2004-11-02 SHERIFF**

The Clerk states the item before the Board for consideration: Purchase of three Law Enforcement Motorcycles with Standard Law Enforcement Markings and Equipment and budget transfer.

Sheriff Mark Pazin provides a power point presentation regarding the Off-Road Enforcement Unit, utilizing two-wheel motor vehicles in rough terrain.

Following discussion, Supervisor O'Banion moves, seconded by Supervisor Nelson, to support the purchase of three off-road vehicles providing they are not the sole source of transportation for the deputies utilizing them.

Following a lengthy discussion, Supervisor O'Banion withdraws the motion on the floor.

The Chairman states the item will be held over until November 9, 2004 Board Meeting.

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



# A G E N D A

## COMMUNITY ACTION AGENCY GOVERNING BOARD

Regular Meeting  
TUESDAY, NOVEMBER 2, 2004  
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.*

10:00 A. M.      **PUBLIC OPPORTUNITY TO SPEAK ON ANY MATTER OF PUBLIC INTEREST WITHIN THE BOARD'S JURISDICTION INCLUDING ITEMS ON THE BOARD'S AGENDA** (Testimony limited to five minutes per person)

### REGULAR CALENDAR

### BOARD ACTION

#### Community Action Board

1. Resolution requesting California Community Services and Development Department designation of the Merced County Community Action Board as the Community Action Agency and authorize the Chairman to send correspondence to the California Community Services and Development Department and other interested parties.



**ADOPTED RESOLUTION NO. 2004-212 AND PPROVED AS RECOMMENDED**

**AYES: ALL**

2. Acknowledge that the Governing Board of the Community Action Agency has been informed of the lease agreement with Pepper's Auto Parts for the Los Banos Child Development facilities located at 945 I Street, Los Banos, CA.

**APPROVED AS RECOMMENDED AYES: ALL**

3. Acknowledge that the Governing Board of the Community Action Agency has been informed of the Contract to work cooperatively to improve the Women, Infants and Children (WIC) Supplemental Nutrition Program and the Child Health and Disability Prevention (CHDP) access and services in order to increase the number of clients in the target populations of both programs in Mariposa County.

**APPROVED AS RECOMMENDED AYES: ALL**

**BOARD INFORMATION AND POSSIBLE ACTION**

4. Place Board Information Items on file from Community Action Board – Staff and Committee Reports, Community Action Board Items (BAI's) and Community Action Board Items (CAFS) from Special Board Meeting on August 23, 2004.

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

**ADJOURNED MEETING AT 11:30 A.M.**