



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, MARCH 22, 2005

Closed Session – 3:30 p.m.

Regular Meeting – 5:00 p.m.

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

JOHN PEDROZO.....DISTRICT 1  
KATHLEEN M. CROOKHAM....DISTRICT 2  
MICHAEL G. NELSON.....DISTRICT 3  
DEIDRE F. KELSEY....DISTRICT 4  
CHAIRMAN 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

3:30 P. 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(s) John Fowler-Commerce, Aviation and Economic Development Director pursuant to Section 54956.8 as follows: Castle Property

**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 - 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: County of Merced vs. City of Atwater, et al. Case No. 148361

**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 RECONVENES AT 5:00 P.M. WITH SUPERVISOR CROOKHAM NOT PRESENT AND THE CHAIRMAN ADVISES DIRECTION WAS GIVEN TO STAFF**

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

5:00 P. M.

**PLEDGE OF ALLEGIANCE**

**PRESENTATION – LINDA MACEBO –** Recognition of 2005 Common Threads Honoree Award

**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)

**REVIEW BOARD ORDER – SEE PAGE 10**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) Counsel-\$45,393; District Attorney-\$11,000; Public Works (#058)-\$727; Sheriff-\$21,000 and \$2,257; Dept. of Workforce Investment-\$45,000, \$45,000 and \$3,500

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

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items #1 - 30)

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

5:30 P. M.

**EXECUTIVE OFFICE - PUBLIC HEARING - PROPOSED ORDINANCE**

To consider Proposed Ordinance Regarding First 5 Commission (Amends Ordinance Nos. 1674, 1629, 1620 and 1614) involving the Commission name change, member appointments and transfer of administrative authority to the Health Department

**REVIEW BOARD ORDER – SEE PAGE 10**

**REPORTS/BOARD DIRECTION**

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

CONSENT CALENDAR (Items #1 - 30)

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

Public Works

1. Adopt Resolution annexing Campus Park Subdivision into Golden Estates Storm Drainage Maintenance Zone of Benefit No. 206 in County Service Area Number One.  
**ADOPTED RESOLUTION NO. 2005-41**
2. Adopt Resolution forming the Campus Park Landscaping Maintenance Zone of Benefit No. 267 in County Service Area Number One.  
**ADOPTED RESOLUTION NO. 2005-42**
3. Adopt Resolution annexing the Campus Park Subdivision No. 01008 into the Winton Street Lighting Maintenance Zone of Benefit No. 202 in County Service Area Number One.  
**ADOPTED RESOLUTION NO. 2005-43**
4. Accept the Final Map for Campus Park Phase 1 Subdivision in the Winton area.
5. Adopt Resolution authorizing the Public Works Director and Auditor to sign the State Transit Assistance Fund Claim for the 2005/2006 Fiscal Year with MCAG.  
**ADOPTED RESOLUTION NO. 2005-44**
6. Set public hearing for April 12, 2005 at 10:30 a.m. to consider creation of a Regional Transportation Impact Fee (RTIF) and the associated capital improvement plan and to consider implementation agreement with the six cities within Merced County authorizing MCAG to administer said program and proposed ordinance.
7. Set public hearing for June 21, 2005 at 5:30 p.m. to consider public hearing of the Draft EIS/EIR for the Campus Parkway Project.
8. Approve and authorize Chairman to sign Amendment to Contract No. 2003018 with MV Public Transportation, Inc. for contracted transit operations.
9. Approve and authorize Chairman to sign Amendment to Contract No. 2004074 with R3 Consulting Group, Inc. for Financial/Rate Structure Analysis of Solid Waste Enterprise.
10. Approve and authorize Chairman to sign Sublease Contract No. 2003035 with Jean Pierre Sagouspe III for lease of 39.2 acres at Billy Wright Landfill Facility.

### Mental Health

11. Approve and authorize the Chairman to sign Amendment to Contract No. 2004064 with Fresno Care and Guidance for Institute for Mental Diseases.
12. Approve and authorize the Chairman to sign Addendum to Contract No. 2003282 with Merced County Superior Court for Services and Reimbursement for Court Operations.

### Ag. Commissioner

13. Adopt Resolution authorizing the Chairman to sign Renewal Contract No. 2004082 with Calif. Dept. of Food and Agriculture for Organic Producer Registration and Inspection.

### **ADOPTED RESOLUTION NO. 2005-45**

### Fire

14. Approve and authorize the Chairman to sign Amendment to Contract No. 2004287 with Calif. Dept. of Forestry and Fire Protection for Volunteer Fire Assistance Program Grant to substitute purchase of New Generation Fire Shelters in the amount of \$40,000; authorize preparation and release of Request for Proposal for purchase of jacket fire hoses, fire extinguishers and SCBA bottles to return to the Board with most responsive provider for final contract approval and approve the necessary budget transfer-\$20,000.

### Executive Office

15. Approve and authorize the Chairman to sign Renewal Contract No. 2004069 with Terry Roberts dba Ashgrove Risk Management Services for Risk Management Services.
16. Approve Travel Request for Fire as recommended by Executive Office.
17. Approve and authorize the Chairman to sign Renewal Contract No. 200249 with John and Ila Lucas for Office space lease of the Merced County Children and Families Commission.

### Sheriff

18. Set public hearing for April 5, 2005 at 10:30 a.m. to consider the 2005 Edward Byrne Memorial Justice Assistance Grant from the U.S. Dept. of Justice and authorize the Sheriff-Coroner to serve as proxy for extension and submission.

### Counsel

19. Approve Second Amendment to Contract No. 2003150 with Lozano Smith for legal assistance. (held over)

### Board Recognition

20. Proclaim March 4, 2005 as "Arbor Day" in the County of Merced.
21. Proclaim the week of March 13 through 19, 2005 as "Portuguese Immigrant Week" in the County of Merced.
22. Proclaim the week of March 6 through 12, 2005 as Girl Scout Week in the County of Merced.
23. Authorize Certificates of Recognition to the following 2005 Businesses of the Year as recognized by the City of Merced: Tire World Car Center Inc.-Small Business; Transcounty Title Company-Midsize Business and Label Technology, Inc.-Large Business.

24. Authorize Certificate of Recognition to Aldo and Virginia Sansoni on their 50th Wedding Anniversary.
25. Authorize Certificate of Recognition to Julie Sansoni-2004 Outgoing President, Rosalie Heppner and Lorraine Richards-2004 Letus Wallace Award, Bettylou George-2004 Heacox Pioneer Award, Filipino American National History Society, Central Valley-Merced County and Gustine Museum-2005 Estep-Burchell Community Grants by the Merced County Historical Society.
26. Authorize Certificate of Recognition to Delhi First Southern Baptist Church for 60 Years of Service to the Community.
27. Authorize Certificate of Recognition to Merced Lao Family, Inc. for Merced Hmong New Year Celebration 2005.
28. Authorize Certificate of Recognition to Valley Harvest Church Keynote Speaker Angil Morris-Jones for Black History and Heritage Month.
29. Authorize Certificate of Recognition to Karen Bandoni for service as Merced Chapter California Women for Agriculture (CWA) 2004 President.
30. Authorize Certificate of Recognition to Chuck Ahlem for his service to the State of California as the Undersecretary of the Calif. Dept. of Agriculture.

## REGULAR CALENDAR

### BOARD ACTION

#### PUBLIC WORKS

31. Approve plans and specifications for the Landscape Refurbishment and New Client Visitation Shelter at Human Services Agency and authorize Public Works to advertise and conduct bid opening to be returned to the Board for final recommendation on award.  
**APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2**
32. Approve plans and specifications for Refurbishment of Buildings 1, 2 and 3 at Human Services Agency and authorize Public Works to advertise and conduct bid opening to be returned to the Board for final recommendation on award and approve the necessary Budget Transfer-\$116,899. (4/5 Vote Required)  
**APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2**
33. Contract Amendment with Rogers Enterprise for operation of food and paddle boat concession at Lake Yosemite Park until April 4, 2007. (4/5 Vote Required pursuant to Government Code Section 25536).  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005043 AYES: 1, 3, 4, 5 NOT PRESENT: 2**

#### AUDITOR-CONTROLLER

34. Authorize a 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 the period of April 15 through September 30, 2005 for fair operation and for the period of October 1, 2005 through February 28, 2006 the line of credit will be reduced to \$40,000; both loans will bear an interest rate equal to the Treasury Rate of approximately 3.5% on the unpaid balance per

annum.

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

**SHERIFF**

35. Authorize the Sheriff to apply for the 2005 Methamphetamine Program earmarked funds from the Federal COPS Office, U.S. Dept of Justice for \$98,664 and authorize the CEO to sign the necessary documents.

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

**PLANNING**

36. Adopt Resolution authorizing use of California Dept. of Conservation Grant Funds for the purchase of agricultural conservation easements in the Cressey area from the Magneson Property (APN 140-030-006, 140-040-023, 140-060-018, 140-080-010, 140-080-013, 140-080-025, 140-080-026 from Charles and Sally Magneson and APN 140-030-007 from Scott and Pamela Magneson).

**ADOPTED RESOLUTION NO. 2005-46 AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2**

**HEALTH**

37. Authorize Joint Grant Funding Contract with U.S. Geological Survey for studies to prevent contaminants from animal feeding operations from entering drinking water sources in the amount of \$550,881.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005044 AYES: 1, 3, 4, 5 NOT PRESENT: 2**

**HUMAN SERVICES AGENCY**

38. Contract Amendment with Children Services Network of Merced County for Stage 1 Child Care Services.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001159 AYES: 1, 3, 4, 5 NOT PRESENT: 2**

**SPRING FAIR**

39. PULLED

**EXECUTIVE OFFICE**

40. Contract with Griot Evaluation Systems for Data Management Software and Technical Support Services as recommended by Merced County Children and Families Commission.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005045 AYES: 1, 3, 4, 5 NOT PRESENT: 2**

41. Contract with Social Entrepreneurs, Inc. for completion of Phase III that includes a modified Scope of Work to better address the project Capacity Building Plan as approved by Merced County Children and Families Commission.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004068 AYES: 1, 3, 4, 5 NOT PRESENT: 2**

42. Clarification of March 15, 2005 Board Action relating to the MOU's with non-safety bargaining units and unrepresented management as follows: (1) Approve Salary Adjustments of 0.4 range (approximately 2% for Bargaining Units 3, 4, 5, 6, 7, 8, 12 and

Unrepresented Management to be effective March 7, 2005 instead of June 27, 2005; and  
(2) Ratified Memorandum of Understandings approved on March 15, 2005 with the change  
in the effective date to March 7, 2005 for Contract No. 2005076-IEMC.

**REVIEW BOARD ORDER – SEE PAGE 11**

**BOARD OF SUPERVISORS**

43. Appointment to the Merced Conference and Visitors Board of Directors, Ex-Officio member.  
**APPOINTED SUPERVISOR CROOKHAM TO SERVE ON THE BOARD OF  
DIRECTORS REPRESENTING THE BOARD OF SUPERVISORS AYES: 1, 3, 4, 5  
NOT PRESENT: 2**

**BOARD APPOINTMENTS**

44. East Merced Resource Conservation District - Reappointments.  
**REAPPOINTED ROBERT BLISS UNTIL JANUARY 28, 2007 AND JON KELSEY  
UNTIL JANUARY 28, 2009 TO SERVE AS MEMBERS OF THE EAST MERCED  
RESOURCE CONSERVATION DISTRICT AYES: 1, 3, 5 ABSTENTION: 4 NOT  
PRESENT: 2**

**BOARD INFORMATION & POSSIBLE ACTION**

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

45. Mariposa County Board of Supervisors re: Notification that Supervisor Bibby was selected to continue as the representative on the Foreign Trade Zone Advisory Board.
46. California Regional Water Quality Control Board - Central Valley Region re: Notice of California Environmental Quality (CEQA) Scoping Meeting and Public Workshop for the development of a proposed basin plan amendment to establish new salinity and boron water quality objectives in the Lower San Joaquin River upstream of Vernalis and a total maximum daily load (TMDL) to implement salinity and boron water quality objectives.
47. Governor's Office of Emergency Services re: Notice that the U.S. Small Business Administration has declared the primary counties and continuous counties so noted as a disaster area and declaration is a result of a January 19, 2005 USDA disaster designation due to ag. losses caused by drought that occurred on January 1, 2004 and continuing.
48. Dept. of Youth Authority re: Notice of Proposed Regulatory Action - Informative Digest Policy Statement Overview.
49. State Dept. of Social Services re: CAPIT/CBCAP/PSSF County Three Year Plan Instructions for Plans effective July 1, 2005 through June 30, 2008, advance notice that there will be a major change in county plan instructions for the three year cycle.

**ADOPTED RESOLUTIONS IN MEMORY OF MRS. ALVINA CORVELLO, CATHERINE  
MC VEY AND PAUL SMITH AND ADJOURNED MEETING UNTIL APRIL 5, 2005 AT 10:00 A.M.**

**BOARD ORDER – SUMMARY ACTION MINUTES – MARCH 22, 2005**

**5:00 P.M. SCHEDULED ITEM**  
**2005-03-22 PUBLIC OPPORTUNITY**

The following speak regarding salary increases and better benefits for Domestic Workers: Central Valley United Domestic Workers Lead Negotiator Nora Jordon, worker Margarita Gonzales, Orange County worker Ms. Lee Ling, worker Martha Gonzales and worker Teresa Gondino.

Tom Grave speaks regarding the Riverside Motorsports Park.  
Present: O'Banion, Pedrozo, Nelson, Kelsey  
Not Present: Crookham

**5:30 P.M. SCHEDULED ITEM**  
**2005-03-22 EXECUTIVE OFFICE – PROPOSED ORDINANCE - PUBLIC HEARING**

The time and date previously set for a public hearing to consider Proposed Ordinance regarding First 5 Merced County (Supersedes Ordinance No. 1674 and Amends Ordinance Nos. 1629, 1620 and 1614) submitted by the Executive Office.

County Counsel Ruben Castillo reviews the changes and reads the title of the proposed Ordinance: An Ordinance Regarding First 5 Merced County (Supersedes Ordinance No. 1674 and amends Ordinance Nos. 1629, 1620, 1614).

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading of the proposed Ordinance.  
Ayes: O'Banion, Pedrozo, Nelson, Kelsey  
Not Present: Crookham

The Chairman asks if there is anyone present wishing to speak. No one speaks.

Upon motion of Supervisor Nelson, seconded by Supervisor Kelsey, duly carried, the Board sets the second reading and possible adoption of the proposed Ordinance for April 5, 2005 at 10:30 a.m.  
Ayes: O'Banion, Pedrozo, Nelson, Kelsey  
Not Present: Crookham



**ACTION ITEM NO. 42**

**2005-03-22 EXECUTIVE OFFICE**

Clarification of March 15, 2005 Board Action relating to the MOU's with non-safety bargaining units and unrepresented management as follows: (1) Approve Salary Adjustments of 0.4 range, approximately 2% for Bargaining Units 3, 4, 5, 6, 7, 8, 12 and Unrepresented Management (Contract Nos. 2005076, 2005077, 2005078 and 2005079) to be effective March 7, 2005 instead of June 27, 2005; and (2) Ratified Memorandum of Understandings approved on March 15, 2005 with the change in the effective date to March 7, 2005 for Contract No. 2005076-IEMC.

Ayes: O'Banion, Pedrozo, Nelson, Kelsey

Not Present: Crookham