



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, JUNE 28, 2005  
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

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

9:00 A. M.            **CLOSED SESSION:** It is the intention of the Board to meet in Closed Session pursuant to Subdivision (e) of Section 54957: Public Employee Performance Evaluation, Title: County Executive Officer

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

**REVIEW BOARD ORDER – SEE PAGE 9**

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)

**REVIEW BOARD ORDER – SEE PAGE 9**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) Public Works-\$88,635 (#113) and District Attorney-\$212,046.

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

**PRESENT: 2**

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items #1 - 41)

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

**PRESENT: 2**

10:30 A. M.

**SHERIFF AND HEALTH - PUBLIC HEARING - PROPOSED ORDINANCE**

Proposed Ordinance to extend the current Moratorium on Medicinal Marijuana Dispensaries

**REVIEW BOARD ORDER – SEE PAGE 9 AND 10**

**REPORTS/BOARD DIRECTION**

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

**LUNCH BREAK**

CONSENT CALENDAR (Items #1 - 41)

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

Public Works

1. Adopt Resolution forming the Quail Hollow Landscaping Maintenance Zone of Benefit Number 269 in County Service Area Number One.

**ADOPTED RESOLUTION NO. 2005-112**

2. Adopt Resolution annexing the Quail Hollow Subdivision No. 02011 into the Winton Street Lighting Maintenance Zone of Benefit Number 202 in County Service Area Number One.

**ADOPTED RESOLUTION NO. 2005-113**

3. Adopt Resolution annexing the Quail Hollow Subdivision No. 02011 into the Town and Country Storm Drainage Maintenance Zone of Benefit Number 206 in County Service Area Number One.

**ADOPTED RESOLUTION NO. 2005-114**

4. Accept the Final Map for Quail Hollow Estates Phase 2 Subdivision in the Winton area.

5. Adopt Resolution authorizing Public Works Director and Auditor to sign the Local Transportation Fund Claim for the 2005/2006 Fiscal Year with MCAG.

**ADOPTED RESOLUTION NO. 2005-115**

### District Attorney

6. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2005156 with Governor's Office of Emergency Services for Victim/Witness Assistance Program.

#### **ADOPTED RESOLUTION NO. 2005-116**

7. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2003088 with Governor's Office of Emergency Services for Anti-Drug Abuse Enforcement Program.

#### **ADOPTED RESOLUTION NO. 2005-117**

8. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2005146 with California Dept. of Insurance for participation in the Automobile Insurance Fraud Program.

#### **ADOPTED RESOLUTION NO. 2005-118**

9. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2005147 with California Dept. of Insurance for participation in the Worker's Compensation Insurance Fraud Program.

#### **ADOPTED RESOLUTION NO. 2005-119**

### Mental Health

10. Approve and authorize Chairman to sign Renewal Contract No. 2004170 with Health for Alcohol and Drug HIV and Tuberculosis services.

11. Approve and authorize Chairman to sign Renewal Contract No. 2004167 with Merced Faculty Associates for services to Marie Green Psychiatric Health Facility.

12. Approve and authorize Chairman to sign Renewal Contract No. 2004007 with Staff Care Incorporated for placement of a psychiatrist to cover the duties of full-time existing positions and vacancies.

13. Approve and authorize Chairman to sign Renewal Contract No. 2000207 with Merced Drug for provision of pharmacy services to clients.

14. Approve and authorize Chairman to sign Renewal Contract No. 2000159 with Quest Diagnostics for laboratory testing for consumers.

15. Approve and authorize Chairman to sign Renewal Contract No. 2004015 with Merced Behavioral Health Center for serving clients.

### Health

16. Approve and authorize Chairman to sign Renewal Contract No. 2004200 with State Dept. of Health Services for Childhood Immunization Program services.

#### **ADOPTED RESOLUTION NO. 2005-120**

17. Approve and authorize Chairman to sign Renewal Contract No. 200121 with VIA Adventures, Inc. for coordination for VIA Adventures, Inc. for "Going Places" Projects.

### Sheriff

18. Approve and authorize Chairman to sign Renewal Contract No. 2004264 with Delhi Unified School District for a contractual Deputy Sheriff.

### Commerce, Aviation and Economic Development

19. Approve and authorize Chairman to sign Sublease Contract No. 2005150 with William K. Coulter for use of Building 1405 (approximately 2,080 square feet) and 2,600 square feet of

adjacent ramp space at Castle Airport Aviation and Development Center for maintenance and repairs of small airplanes.

20. Approve and authorize Chairman to sign Sublease Contract No. 2005151 with Merced County Office of Education for lease of Building 325 and 2.2 acres within the fenced area surrounding it at Castle Airport, Aviation and Development Center for the purpose of starting an automotive training school.
21. Approve and authorize Chairman to sign Sublease Contract No. 2005152 with American School of Aviation, Inc. for lease of Building 1322 and 20,000 square feet of parking ramp space at Castle Airport & Aviation Development Center for the purpose of relocating their flight training operations.
22. Approve and authorize Chairman to sign Amendment Contract No. 2004177 with Al Peterson for Business Assistance Counseling.
23. Approve and authorize Chairman to sign Amendment to Contract No. 2004193 with Merced County Economic Development Corporation (MCEDCO) for Economic Development Services.

#### Dept. of Child Support Services

24. Authorize relief of shortages in the amount of \$10.00 and authorize replenishment.
25. Approve and authorize Chairman to sign Renewal Contract No. 200180 with Superior Court for Plan of Cooperation for program operation.
26. Approve and authorize Chairman to sign Amendment to Contract No. 2003226 with Calif. Dept. of Child Support Services for Plan of Cooperation.
27. Approve and authorize Chairman to sign Interdepartmental Renewal Contract No. 2005153 with Sheriff's Department for Plan of Cooperation.
28. Adopt Resolution authorizing amendment to Resolution No. 2002-27 to further incorporate Penal Code Sections 11105(b)(10) and 13300(b)(10) which grant Child Support Services access to federal criminal history records to be used primarily for determination as part of employment verification.

#### **ADOPTED RESOLUTION NO. 2005-121**

#### Ag. Commissioner

29. Approve and authorize Chairman to sign Renewal Contract No. 2004342 with Calif. Dept. of Food and Agriculture for Sudden Oak Death Statewide Emergency Response.
30. Approve and authorize Chairman to sign Renewal Contract No. 2002112 with Calif. Dept. of Food and Agriculture for Red Imported Fire Ant Survey.

#### **ADOPTED RESOLUTION NO. 2005-122**

#### Human Services Agency

31. Approve and authorize Chairman to sign Renewal Contract No. 2002169 with Merced County In-Home Supportive Services Public Authority to provide for administration of IHSS and PA services.
32. Approve and authorize Chairman to sign Renewal Contract No. 2005035 with Catholic Charities of the Diocese of Fresno for operation of the Senior Companion Program.

33. Approve and authorize Chairman to sign Renewal Contract No. 200297 with Valley Caregiver Resource Center for National Family Caregiver Support Program.
34. Approve and authorize Chairman to sign Renewal Contract No. 2004222 with Calif. Dept. of Aging for Area Plan for the following programs: Title III(B) Supportive Services, VII, IIIE and Community Based Services Programs.

**ADOPTED RESOLUTION NO. 2005-123**

35. Approve and authorize Chairman to sign Renewal Contract No. 2004398 with Central California Legal Services, Inc. for Senior Legal Assistance Program.
36. Approve and authorize Chairman to sign Renewal Contract No. 2004216 with Alz Care, Inc. for Alzheimer's Day Care Resource Center Program.
37. Approve and authorize Chairman to sign Renewal Contract No. 2004249 with California Dept. of Aging for Health Insurance Counseling and Advocacy Program (HICAP).

**ADOPTED RESOLUTION NO. 2005-124**

**Board Recognition**

38. Authorize Certificates of Recognition to the following in recognition of services to the Greater Merced Chamber of Commerce for 2004/2005: Nanette Jones, Duane Andrews and Bob Acheson-Outgoing Vice President and Erik Ekizian, Lupe Dawson and Mike Peterson-Outgoing Board Members.
39. Authorize Certificates of Recognition to Michael Yurick and Elaine Post-Volunteers of the Quarter and Samantha Yniguez-Ambassador Volunteer of the Quarter by the Greater Merced Chamber of Commerce.
40. Adopt Resolution of Commendation recognizing Bert Crane, Sr. for his contributions, leadership and commitment to Mercy Medical Center Merced since 1945.
41. Authorize Certificate of Recognition to Michael Villalta for 31 years of dedicated service to Los Banos Unified School District.

**REGULAR CALENDAR**

**BOARD ACTION**

**PUBLIC WORKS**

42. Reject bid received at the June 9, 2005 Bid Opening for Castle Airport Taxiway Signage and Runway Safety Area Rehabilitation Project and approve the Project Plans for Castle Airport Taxiway Signage Project and Castle Airport Runway Safety Area Rehabilitation Project, authorize Public Works to establish and advertise Bid Openings and direct Public Works to return to the Board with recommendations for award to the lowest responsive bidders provided the lowest bids are within the established budget.

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

**COMMERCE, AVIATION & ECONOMIC DEVELOPMENT**

43. Authorize preparation and release of Request for Proposal for the services of a Business Consultant and return to the Board with the most responsive provider for final approval.

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

44. Contract with Bennett Telecom for telecommunications operations, maintenance and expansion services at Castle Airport Aviation and Development Center.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005154 AYES: 1, 3, 4, 5**  
**NOT PRESENT: 2**

MENTAL HEALTH

45. Contract with Human Services Agency to provide Social Worker Services for Dependency Drug Court clients.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005148 AYES: 1, 3, 4, 5**  
**NOT PRESENT: 2**
46. Contract with Community Social Model Advocates, Inc. to provide Men's and Women's Alcohol and Drug Residential Recovery Services.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005149 AYES: 1, 3, 4, 5**  
**NOT PRESENT: 2**
47. Contract with Rite Aid Corporation for the provision of pharmacy services to clients.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004058 AYES: 1, 3, 4, 5**  
**NOT PRESENT: 2**

HUMAN SERVICES AGENCY

48. Resolution authorizing Child Abuse and Family Violence Prevention Council of Merced County to coordinate the community's efforts to prevent child abuse, neglect and family violence in accordance with Welfare and Institutions Code Sections 18965 and 18980, et. seq.  
**ADOPTED RESOLUTION NO. 2005-125 AS RECOMMENDED AYES: 1, 3, 4, 5**  
**NOT PRESENT: 2**
49. Accept the \$1,000 Award from California Health Advocates (CHA) to be used for Health Insurance Counseling and Advocacy Program (HICAP's) continued efforts to educate and counsel the public about Medicare Fraud and Abuse.  
**APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2**

PUBLIC DEFENDER

50. Renewal Contracts for Public Defender Investigative Services as follows: (1) Williams & Co. Investigations, (2) Colleen Tucker Investigations, (3) Eunice Brown Investigations, (4) Peter Wann Investigations and New Contract with (5) Ray Galvan Investigations.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACTS NO. 2004338-WILLIAMS & CO, NO. 2004339-COLLEEN TUCKER, NO. 2004341-EUNICE BROWN, NO. 2005041-PETER WANN AND NO. 2005157-RAY GALVAN AYES: 1, 3, 4, 5 NOT PRESENT: 2**

TREASURER

51. Resolution authorizing sale of Merced Community College District General Obligation Bonds in an amount not to exceed \$6,790,000 for School Facilities Improvement District No. 2 (Los Banos Campus Area) and accept the Bond Purchase Contract.  
**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005145 AND ADOPTED RESOLUTION NO. 2005-126 AYES: 1, 3, 4, 5 NOT PRESENT: 2**

PROBATION

52. Designate the Recreation Field located at the Iris Garrett Juvenile Justice Facility to be known as "Larry Carruth Field" and adopt Resolution naming the Juvenile Justice Correctional Complex Recreation Field as "Larry Carruth Field".

**ADOPTED RESOLUTION NO. 2005-127 AS RECOMMENDED AYES: 1, 3, 4, 5**  
**NOT PRESENT: 2**

DEPT. OF WORKFORCE INVESTMENT

53. Resolution creating a Workforce Housing Task Force charged with addressing the critical need for workforce housing in Merced County and direct the Dept. of Workforce Investment to provide administrative support to the Task Force and come back to the Board with recommended appointments.

**ADOPTED RESOLUTION NO. 2005-128 AS RECOMMENDED AYES: 1, 3, 4, 5**  
**NOT PRESENT: 2**

EXECUTIVE OFFICE

54. Contract Amendment with Freese & Gianelli Claim Services, Inc. for Liability Claim Investigation and Adjusting increasing the annual not-to-exceed compensation to \$142,500 and exclude billings recoverable from excess carrier from this maximum compensation limitation.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005155 AYES: 1, 3, 4, 5**  
**NOT PRESENT: 2**

55. Personnel Action for Commerce, Aviation and Economic Development: Delete vacant Castle-Administrative Assistant I/II; add one Typist Clerk III, Range 55.2 and increase the bilingual allocations from one to two in CAED-Castle, BU 75200 and adopt Resolution.

**ADOPTED RESOLUTION NO. 2005-129 AS RECOMMENDED AYES: 1, 3, 4, 5**  
**NOT PRESENT: 2**

56. Authorize appointment of Robert Morris to Director of Human Resources, BU 13000.

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

57. Travel Request for Human Services Agency as recommended by Executive Office.

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

BOARD APPOINTMENTS

58. Treasury Oversight Committee.

**APPOINTED ALLAN INMAN AS SPECIAL DISTRICT DESIGNEE TO SERVE AS A MEMBER OF THE TREASURY OVERSIGHT COMMITTEE. AYES: 1, 3, 4, 5**  
**NOT PRESENT: 2**

59. Advisory Board on Alcohol and Other Drug Problems - District Five.

**REAPPOINTED COLLETTE FARRIS, REPRESENTING DISTRICT FIVE, TO SERVE AS A MEMBER OF THE ADVISORY BOARD ON ALCOHOL AND OTHER DRUG PROBLEMS UNTIL JUNE 30, 2009. AYES: 1, 3, 4, 5 NOT PRESENT: 2**

BOARD INFORMATION & POSSIBLE ACTION

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

60. Central California Mayors Conference re: Invitation to attend the Fourth Annual Central California Mayors Conference to be held in Fresno that will focus on economic development, education and air quality with keynote speaker Governor Schwarzenegger.
61. Office of the Governor re: Pursuant to Elections Code 12000, Proclamation calling for a Special Election to be held on November 8, 2005.

**ADJOURNED MEETING UNTIL TUESDAY, JULY 12, 2005 AT 10:00 A.M.**



## **BOARD ORDERS – SUMMARY ACTION MINUTES – JUNE 28, 2005**

### **9:00 A.M. SCHEDULED ITEM**

#### **2005-06-28 ADDED AGENDA ITEM - AUDITOR**

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board finds a need arose subsequent to the posting of the Agenda, to consider a recommended loan payoff as recommended by the Auditor and places the item on the Agenda for consideration.

Ayes: O'Banion, Pedrozo, Nelson, Kelsey

Not Present: Crookham

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board approves the Budget Transfer to transfer funds for the approved reloaning \$1 million on premature dairy loan payoffs within the Debt Service Fund as recommended by the Auditor.

Ayes: O'Banion, Pedrozo, Nelson, Kelsey

Not Present: Crookham

### **10:00 A.M. SCHEDULED ITEM**

#### **2005-06-28 PUBLIC OPPORTUNITY**

The following speak: Sheriff Mark Pazin appears and states the Sheriff's Posse is present to present the Board with a plaque in recognition of the Board support for the Sheriff's Posse to attend the Presidential Inauguration in Washington D.C.

President of the Local Parlor of Native Daughters of the Golden West Patsy Doty presents the Board with a plaque of recognition displaying the Merced County Sheriff's Posse picture of their participation.

Present: O'Banion, Pedrozo, Nelson, Kelsey

Not Present: Crookham

### **10:30 A.M. SCHEDULED ITEM**

#### **2005-06-28 SHERIFF AND HEALTH - PUBLIC HEARING**

The time and date previously set for a public hearing to consider Proposed Ordinance to extend the current Moratorium on Medicinal Marijuana Dispensaries in accordance with Government Code Section 65858 submitted by Sheriff and Health.

Director of Public Health John Volanti clarifies the recommendations before the Board stating the proposal before the Board is to consider the Proposed Ordinance to extend the current Moratorium on Medicinal Marijuana Dispensaries in accordance with Government Code Section 65858 and to accept the recommendation of the Health Officer to extend the current moratorium for a period of 10 additional months and 15 days or until May 23, 2006 to

provide sufficient time for clarifications from federal, state and local governments and subject to further recommendations to be made by the Board on or before May 23, 2006.

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

County Counsel Ruben Castillo states after the 10 month extension it will be possible for an additional 1 year extension if the matter has not yet been clarified.

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board approves the Extension to the Moratorium in accordance with Government Code Section 65858, on Medicinal Marijuana Dispensaries and accepts the recommendation of the Health Officer to extend the current moratorium for a periods of 10 additional months and 15 days or until May 23, 2006 to provide sufficient time for clarification from federal, state and local governments and subject to further recommendations to be made by the Board on or before May 23, 2006.

Ayes: O'Banion, Pedrozo, Nelson, Kelsey

Not Present: Crookham