



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, OCTOBER 18, 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 - 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 Government Code Section 54956.9(b): Five Cases

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION: It is the intention of the Board to meet in Closed Session concerning Initiation of Litigation pursuant to Government Code Section 54956.9(c): One Case

THE BOARD RECESSED AT 9:00 A.M. WITH ALL MEMBERS PRESENT AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF. THE BOARD RECESSED INTO CLOSED SESSION AT 11:25 A.M.

AND RECONVENED AT 11:40 A.M. AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA 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)

REVIEW BOARD ORDER – SEE PAGE 8

PRESENTATION - Recognition of Tammy Moss

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Mental Health-\$94,416 and Public Works-\$101,610

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 28)

APPROVED AS RECOMMENDED AYES: ALL

10:30 A. M.

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

Community Development Block Grant Program (CDBG) Economic Development Planning and Technical Assistance (PTA) Grant, Manufacturing Institute Design (#03-PTAA-0012)

REVIEW BOARD ORDER – SEE PAGE 8

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items #1 - 28)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Adopt Resolution designating the intersection of Fir Avenue and Drake Avenue, as part of El Capitan Estates Phase 4 Subdivision, as a Stop Intersection and authorize installation of a Stop Sign on the Fir Avenue approach to the Tee intersection in Franklin-Beachwood area.

ADOPTED RESOLUTION NO. 2005-173

2. Adopt Resolution designating the intersection of Big Sandy Avenue and Fir Avenue, as part of El Capitan Estates Phase 4 Subdivision, as a Stop Intersection and authorize installation

of Stop Signs on Big Sandy Avenue on the north and south side of the approach to the intersection in Franklin-Beachwood area.

ADOPTED RESOLUTION NO. 2005-174

3. Accept the Final Map for Campus Park Phase 2 Subdivision in the Winton area.
4. Adopt Resolution annexing the Serenity Place Subdivision into Glen Meadows Street Lighting and Drainage Maintenance Zone of Benefit Number 255 in County Service Area Number One.

ADOPTED RESOLUTION NO. 2005-175

5. Accept Final Map for Serenity Place Subdivision in the Winton area.

Probation

6. Approve and authorize Chairman to sign Renewal Contract No. 2004307 with Valley Community School for Reimbursement of 1.5 FTE Deputy Probation Officer.
7. Approve and authorize Chairman to sign Renewal Contract No. 2005010 with Merced County Office of Education to place a Deputy Probation Officer at Valley Community School-Los Banos Campus.
8. Approve and authorize Chairman to sign Renewal Contract No. 2001196 with Dos Palos/Oro Loma Unified School District to place a Deputy Probation Officer at Dos Palos High School.
9. Approve and authorize Chairman to sign Renewal Contract No. 2004355 with Calif. Dept. of Education for National School Breakfast and Lunch Program.

Mental Health

10. Approve and authorize Chairman to sign Renewal Contract No. 2002220 with Tulare County Superintendent of Schools dba Calif. Friday Night Live Partnership for Youth Mentoring Program.
11. Approve and authorize Chairman to sign Amendment to Contract No. 2004059 with Los Banos Drug for language clarification on medication services for consumers.
12. Approve and authorize Chairman to sign Amendment to Contract No. 2004243 with Bertelli's Drug for language clarification on medication services for consumers.
13. Approve and authorize Chairman to sign Amendment to Contract No. 2004065 with Delhi United Drug for language clarification on medication services for consumers.
14. Approve and authorize Chairman to sign Amendment to Contract No. 2004058 with Rite Aid Corporation for language clarification on medication services for consumers.
15. Approve and authorize Chairman to sign Amendment to Contract No. 2000207 with Merced Drug for medication services for consumers.
16. Approve and authorize Chairman to sign Amendment to Contract No. 2005117 with Families First, Inc. for professional and special services.
17. Set public hearing for November 1, 2005 at 10:30 a.m. to consider Proposed Ordinance Amending Mental Health Services Fees for 2005/2006.

Executive Office

18. Act on Claims for Damages submitted by Atwater Electric (2005-84) as recommended by Risk Management.
19. Approve and authorize Chairman to sign Renewal Contract No. 2005247 with David Donn Consulting, Inc. for Workers Compensation Medical Cost Management.
20. Approve Travel Requests submitted by Sheriff and Auditor-Registrar of Voters as recommended by Executive Office.

Commerce, Aviation and Economic Development

21. Set public hearing for November 1, 2005 at 10:30 a.m. to consider Community Development Block Grant (No. 02-EDBG-884), Microenterprise Assistance, Technical Assistance and Business Training.

Human Services Agency

22. Approve and authorize Chairman to sign Amendment to Contract No. 2004278 with Merced Lao Family Community, Inc. for Home Visitor Services.

Human Resources

23. Approve and authorize Chairman to sign Renewal Contract No. 2005248 with Merced College to provide a laboratory-type learning experience to students of Merced College.

Board Recognition

24. Authorize Certificate of Recognition to A Woman's Place of Merced County for 6th Annual Los Banos "Take Back the Night" Candlelight Vigil for Domestic Violence.
25. Authorize Plaque to Russ Straits in recognition of 37 years of service with Mid-California 76 Auto Truck Stop and Travel Centers of America in Santa Nella.
26. Authorize Certificate of Recognition to Merced Lofts in recognition of Ribbon Cutting and Open House.
27. Authorize Certificates of Recognition to Brandon Kelly and Gaby Martinez of Mitchell Senior Elementary School and Sophia Sangar and Matthew Cline of Peggy Heller Elementary School for being selected Student of the Quarter.
28. Authorize Certificate of Recognition and Plaque to Merced County Sheriff's Department in recognition of Grand Opening of the Delhi Community Services Merced County Sheriff's Substation.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

29. Contract with City of Merced for Merced County Transit office space in the Merced Transpo Center.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005245 AYES: ALL

30. Resolution and Contract with Calif. Dept. of Transportation for partial reimbursement for improvements in connection with the Planada TEA Project on Route 140 in Planada.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005246 AND ADOPTED RESOLUTION NO. 2005-176 AYES: ALL
31. Authorize Re-roofing of the Planada Senior Citizen's Building and the Snelling Community Building for a total estimated cost of \$42,100, approve plans and specifications and bid opening for said project with recommendations to be returned to the Board for award upon concurrence of County Counsel.
APPROVED AS RECOMMENDED AYES: ALL
32. Authorize development and issuance of Request for Qualifications for Packaging a Compressed Natural Gas Fueling Facility for Merced County Transit to return to the Board with recommendations.
APPROVED AS RECOMMENDED AYES: ALL
33. Waive the Facility Rental Fees for the Clubhouse and Picnic Shelter at Henderson Park on October 23, 2005 for Central Valley ROK Hurricane Katrina Fundraiser.
APPROVED AS RECOMMENDED AYES: ALL

HEALTH

34. Consider request from Mercy Medical Center Merced to lower its performance security to \$7.5 million in keeping with the terms of the current Hospital Lease and Health Care Operating Agreement and approve the establishment of an escrow account at County Bank, Merced and authorize Chair and Public Health Director to sign all related documents and incorporate such documents into the Hospital Lease and Health Care Operating Agreement.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005249 AYES: ALL
35. Authorize acceptance of Mini-Grant Award in the amount of \$10,000 from First 5 Merced County to purchase educational incentives for use in the Early Brain Stimulation Program during a home visitation of families with children 0-5 years and approve the necessary budget transfer-\$10,000. (4/5 Vote Required)
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005251 AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

36. Contract with Alfonse Peterson dba Omni Concepts for use of a portion of Building 1230 (approximately 690 square feet) for Castle Airport Sublease.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005250 AYES: ALL

HUMAN SERVICES AGENCY

37. Declare six computers as Surplus Property and authorize the donation of six computers to Merced Lao Family Community, Inc.
APPROVED AS RECOMMENDED AYES: ALL
38. Application for the Grant of Incentive Funds from the Remove II Program through San Joaquin Valley Air Pollution Control District for the purpose of purchasing five hybrid vehicles by Merced County.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005252 AYES: ALL
39. Authorize overhire of two Social Worker IV positions for thirteen pay periods, position #518 and #78, BU 50055.
APPROVED AS RECOMMENDED AYES: ALL

FIRE-OES

40. Resolution adopting the National Incident Management System (NIMS).
ADOPTED RESOLUTION NO. 2005-177 AS RECOMMENDED AYES: ALL
41. Appoint Mikel Martin as Merced County Fire Chief and as the Director of Merced County's Office of Emergency Services (OES) pursuant to Ordinance No. 1567 and adopt Resolution effective October 1, 2005.
ADOPTED RESOLUTION NO. 2005-178 AS RECOMMENDED AYES: ALL

AUDITOR

42. Authorize the Sheriff and District Attorney's requests for State Citizen's Option for Public Safety (COPS) Allocation in the total amount of \$249,151 and authorize the Auditor to apportion the COPS funds.
APPROVED AS RECOMMENDED AYES: ALL
43. Contract with Neilsen, Merksamer, Parrinello, Mueller & Naylor, LLP for legal services.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005253 AYES: ALL

ADMINISTRATIVE SERVICES

44. Authorize procurement of goods and services from other public agency contracts that authorize public agency participation, in the amounts prescribed by law, on behalf of County departments upon CEO and Counsel approval and return to the Board after such procurement as an Informational Item update.
APPROVED AS RECOMMENDED AYES: ALL

DISTRICT ATTORNEY

45. Authorize continued participation in the Rural Crime Prevention Program for 2005/2006, adopt Resolution authorizing D.A. to execute Grant Award and Contract No. 2005254 with Governor's Office of Emergency Services and approve the necessary budget transfer-\$6,267. (4/5 Vote Required)
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005254 AND ADOPTED RESOLUTION NO. 2005-179 AYES: ALL

BOARD OF SUPERVISORS

46. Supervisor Kelsey - Authorize the following expenditures from Special Board Project Funds-District Four: \$2,000 to Trans Valley Youth Football League for Winton Cowboys Football Program and \$15,000 to Hilmar School District to purchase equipment for the new Hilmar Middle School lab and approve the necessary budget transfer-\$17,000 (#012).
APPROVED AS RECOMMENDED AYES: ALL
47. Supervisor Kelsey - Contract Amendment with Snelling Courthouse Historical Foundation for Snelling Courthouse Improvements and approve the necessary budget transfer-\$12,500 (#013).
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004378 AYES: ALL
48. Supervisor Kelsey - Approve the One Voice Program Membership Contribution of \$16,982 for FY 2005/2006 and approve the necessary budget transfer.
APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

49. Business License Appeals Board - District Two and District Five.

REAPPOINTED CLARK KELLOGG, REPRESENTING DISTRICT TWO, AND MARK DUDYS, REPRESENTING DISTRICT FIVE, TO SERVE AS MEMBERS OF THE BUSINESS LICENSE APPEALS BOARD UNTIL OCTOBER 21, 2007 AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

50. Building Industry Association of Merced County re: Letter urging the Board to review and pass resolution in opposition to the San Joaquin Valley Air Pollution Control District Draft Rules 9510 and 3180 and to join the Stop the Air Board Tax Coalition.

REVIEW BOARD ORDER – SEE PAGE 8 AND 9

51. Dept. of Workforce Investment re: Update on Ordinance establishing a Fee for Enterprise Zone/LAMBRA Vouchers Applications for Employers.

52. Merced County Law Library re: Annual Report for 07/01/2004 to 06/30/2005. (On file with Clerk)

53. Madera County Board of Supervisors re: Consideration of entering into Amended Agreement with the University of California Cooperative Extension for County of Merced for University of California Farm Advisor Services, Agricultural Extension Department.

54. Central Valley Regional Water Quality Control Board re: Notice of Meeting to be held on October 20 and 21, 2005.

55. Calif. Dept. of Transportation re: Notice of Availability of Environmental Assessment/Initial Study and Announcement for the Public Hearing for the 16th Street/Olive Avenue Widening Project. (On file with Clerk)

56. Governor's Office of the Emergency Services re: Notice of Declaration that the primary County of Stanislaus and the contiguous counties of Alameda, Calaveras, Mariposa, Merced, San Joaquin, Santa Clara and Tuolumne a disaster area as a result of agricultural losses caused by excessive rainfall and hail that occurred April 20 through May 15, 2005.

57. State Wildlife Conservation Board re: Minutes of August 25, 2005. (On file with Clerk)

58. State Water Resources Control Board re: Application 5632 - Order Approving Temporary Changes in the place of use, purpose of use, and point of rediversion in response to Yuba County Water Agency's request for a temporary transfer of water under Water Code Section 1725, et seq., the temporary change is effective from the date of the Order through October 31, 2005.

ADJOURNED MEETING UNTIL TUESDAY, OCTOBER 25, 2005 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – OCTOBER 18, 2005

10:00 A.M. SCHEDULED ITEM

2005-10-18 PUBLIC OPPORTUNITY

Grant Christopher Wilson speaks regarding filing documents in Court and with the County of Merced and requests assistance.

Present: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

10:30 A.M. SCHEDULED ITEM

2005-10-18 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT – PUBLIC HEARING

The time and date previously set for a public hearing to consider and review the accomplishments under the Community Development Block Grant Program (CDBG) Economic Development Planning and Technical Assistance (PTA) Grant, Manufacturing Institute Design (No. #03-PTAA-0012) as submitted by Commerce, Aviation and Economic Development Department.

Commerce, Aviation and Economic Development Director John Fowler reviews the staff report stating the purpose is to disclose the accomplishments derived from use of the CDBG funds.

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

The Chairman states no further action is required.

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

INFORMATION ITEM NO. 50

2005-10-18 BOARD OF SUPERVISORS

The Clerk announces Item No. 50 is a letter dated September 27, 2005 from the Building Industry Association of Merced County urging the Board to review and pass a resolution in opposition to the San Joaquin Valley Air Pollution Control District Draft Rules 9510 and 3180 and to join the Stop the Air Board Tax Coalition.

Supervisor Nelson provides a brief overview stating the Board will receive information on the November agenda and the public hearing is set for December, 2005.

Building Industry Association of Merced County representative Jessica Coleman clarifies issues of concern stating imposing new taxes and compromising local land use authority are main concerns and requests the Board consider the resolution in opposition to the San Joaquin Valley Air Pollution Control District draft Rules.

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board refers the issue to Staff to come back to the Board for consideration.

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey