



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, NOVEMBER 01, 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.*

**The Agenda is available online at [www.co.merced.ca.us](http://www.co.merced.ca.us)**

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE  
INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE

**Members of the public are advised that all pagers, cellular telephones and any other communication devices are to be turned off upon entering the Board Chambers**

The Agenda is divided into three sections:

**CONSENT CALENDAR** – These matters include routine financial and administrative actions and are approved by a single majority vote.

**SCHEDULED ITEMS** – These items are noticed hearings, work sessions and public hearings.

**REGULAR CALENDAR** – These items include significant policy and administration actions. Immediately after approval of the CONSENT CALENDAR, if the time of the hearing of SCHEDULED ITEMS has not arrived, the REGULAR CALENDAR will be considered.

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(b): 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 Government Code Section 54956.9(a): Michael Flores v. County of Merced, et al, Merced County Superior Court Case No. 148774

**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**

**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)**

**PRESENTATIONS**

Recognition of Lindsay Desrochers, UC-Merced Vice-Chancellor-Admin  
Recognition of Retirement Office - Certificate of Achievement for Excellence in Financial Reporting

**REVIEW BOARD ORDER – SEE PAGE 7**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) District Attorney-\$25,500**

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 15)**

**APPROVED AS RECOMMENDED AYES: ALL**

10:30 A. M.

**MENTAL HEALTH - PUBLIC HEARING - PROPOSED ORDINANCE, POSSIBLE ADOPTION**

To consider proposed ordinance Amending and Changing Fees for Mental Health Services (Amends Chapter 9.48 of the Code and Supersedes Ordinance No. 1741)

**REVIEW BOARD ORDER – SEE PAGE 7**

**COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PUBLIC HEARING**

To consider and disclose Accomplishments and Final Grantee Performance Report under Community Development Block Grant (CDBG), Microenterprise Assistance: Technical Assistance and Business Training (No. 02-EDBG-884)

**REVIEW BOARD ORDER – SEE PAGE 8**

**REPORTS/BOARD DIRECTION**

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

CONSENT CALENDAR (Items #1 - 15)

**APPROVED AS RECOMMENDED AYES: ALL**

Health

1. Approve and authorize Chairman to sign Renewal Contract No. 2000146 with State Dept. of Health Services for AIDS Drug Assistance Program administrative functions.

Mental Health

2. Approve and authorize Chairman to sign Amendment to Contract No. 2004172 with Mission Linen Services for Marie Green Laundry Services.

Ag. Commission

3. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2002056 with Calif. Dept. of Food and Ag. for Maintenance of Permanent Crop Records.

**ADOPTED RESOLUTION NO. 2005-187**

4. Adopt Resolution authorizing Chairman to sign Contract Renewal Contract No. 2000138 with Calif. Dept. of Food and Agriculture for Pest Detection Inspections.

**ADOPTED RESOLUTION NO. 2005-188**

5. Approve and authorize Chairman to sign Renewal Contract No. 2004057 with Calif. Crop Improvement Association for Certified Seed Inspection Services.

Dept. of Workforce Investment

6. Approve and authorize Chairman to sign Amendment to Contract No. 2005135 with Merced County Office of Education for Regional Occupation Program for In-School Youth Program.
7. Approve and authorize Chairman to sign Amendment to Contract No. 2005136 with Merced County Office of Education for Regional Occupation Program for Out-of-School Youth Program.

Auditor-Controller

8. Set public hearing for November 8, 2005 at 10:30 a.m. to consider Proposed Ordinance amending County Clerk-Recorder Fees (Amends County Code Title 5, Chapter 5.60)

Board Recognition

- 9. Authorize Certificate or Recognition for Merced Aggregates in celebration of their First Year of Operation.
- 10. Authorize Certificate of Recognition to Merced Rotary for dedication of Rotary Cove I.
- 11. Authorize Certificate of Recognition to Arvin Sango, Inc. in recognition of their 10th Year Anniversary.
- 12. Authorize Certificates of Recognition to Kay Flanagan Spinelli, Patricia Schade, Peggy Flanagan Priest, Yvette Brisco and Carol Tomlinson-Keasey for selection by the Merced Business and Professional Women as 2005 Working Woman of the Year.
- 13. Authorize Certificates of Recognition to individuals for outstanding dedication, commitment and significant contributions to Domestic Violence and in honor of Response with a Heart as selected by A Woman's Place.

**REVIEW BOARD ORDER – SEE PAGE 8**

- 14. Authorize Certificate of Recognition to Patrick Lunney in recognition of outstanding service with the Department of Justice.
- 15. Authorize Certificate of Recognition to Lane Home Furnishings for Ribbon Cutting and Open House.

REGULAR CALENDAR

BOARD ACTION

HEALTH

- 16. Contract Amendment with State Water Resources Control Board for Cleanup of recalcitrant underground storage tank site and approve the necessary budget transfer-\$50,000. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2005036 AND ADOPTED RESOLUTION NO. 2005-189 AYES: ALL**

- 17. Authorize Environmental Health to utilize funds in the amount of \$15,650 from Environmental Trust Fund to purchase equipment and software for enforcement activities and approve the necessary budget transfer-\$15,650. (4/5 Vote Required)

**APPROVED AS RECOMMENDED AYES: ALL**

SHERIFF

- 18. Accept 2005 COPS Methamphetamine Grant Award in the amount of \$98,664 and approve the necessary budget transfer-\$98,664. (4/5 Vote Required)

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005262 AYES: ALL**

- 19. Accept the 2005 Domestic Cannabis Eradication/Suppression Program Grant in the amount of \$25,000 from the Dept. of Justice and authorize the Sheriff to place the \$25,000 funding in the Sheriff Trust Fund and draw down the funding periodically to offset the cost of Overtime, Training, Operation Expenses and Operational Technology as actions occur and that all operational and technology equipment will be purchased through the County purchasing system.

**APPROVED AS RECOMMENDED AYES: ALL**

ADMIN. SERVICES

20. Authorize Department of Administrative Services to negotiate a contract for sale of Miscellaneous Surplus Property via one or more Internet web site(s) with the contract to come back to the Board for approval and authorize issuance of a Request for Proposal for the collection and sale of County Surplus Property, evaluate and select the most responsive and responsible proposal and return to the Board for contract award.

**MODIFIED RECOMMENDATION FOR CONTRACT TO COME BACK TO THE BOARD AYES: ALL**

AG. COMMISSION

21. Contract with Calif. Dept. of Food and Agriculture for County Pest Exclusion Work and adopt Resolution.

**AUTHORIZED CONTRACT NO. 2005263 AND ADOPTED RESOLUTION NO. 2005-190 AYES: ALL**

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

22. Contract with Merced County Office of Education for Sublease of Building No. 395 at Castle Airport Aviation and Development Center for storage purposes.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005264 AYES: ALL**

HUMAN SERVICES AGENCY

23. Approve the Merced County Child Abuse Prevention, Intervention and Treatment (CAPIT)/Community Based Child Abuse Prevention (CBCAP) Annual Report for State Fiscal Year (SFY) 2004/05 and CBCAP Application SFY 2005/06 and authorize the Chairman to sign the necessary documents in order to receive the CABCAP Incentive Funds.

**APPROVED AS RECOMMENDED AYES: ALL**

AUDITOR-CONTROLLER

24. Authorization to set up DNA Identification Fund per Government Code Section 76104.6 and authorize the Auditor to reimburse local authorities.

**APPROVED AS RECOMMENDED AYES: ALL**

25. Contract with Department of Justice for Electronic Recording Delivery System.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005265 AYES: ALL**

HUMAN RESOURCES

26. Resolution approving the request for Registration by the Merced County Correctional Officer Association in accordance with Section VII of the Merced County Employer/Employee Relations Policy.

**ADOPTED RESOLUTION NO. 2005-191 AS RECOMMENDED AYES: ALL**

BOARD OF SUPERVISORS

27. Accept resignation of Ruben Castillo as Merced County Counsel effective November 19, 2006.

**REVIEW BOARD ORDER – SEE PAGE 8**

BOARD APPOINTMENTS

BOARD INFORMATION & POSSIBLE ACTION

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

28. Auditor-Controller re: Wild Life Refuge In Lieu of Taxes.
29. CSAC re: Recognition of Merced County Sesquicentennial Celebration for 150 years of commitment and service to the citizens.
30. Calif. High Speed Rail Authority re: Public Meeting for November 1 and 2, 2005.
31. State Fish and Game Commission re: Meeting Notice for November 3, 2005.
32. Governor's Office of Planning and Research re: New Local Government Planning Requirements - Thirty-Day Notice to Institute Notification Process to the Military (SB 1462).

**ADJOURNED MEETING UNTIL NOVEMBER 8, 2005 AT 10:00 A.M.**

## BOARD ORDERS – SUMMARY ACTION MINUTES – NOVEMBER 1, 2005

### **10:00 A.M. SCHEDULED ITEM** **2005-11-01 PRESENTATIONS**

The Board presents a Certificate of Recognition to UC Merced Vice-Chancellor Lindsay Desrochers for her dedicated service to the University of California-Merced.

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

The Board presents a Certificate of Achievement to Retirement Plan Administrator Maria Arevelo and staff for Excellence in Financial Reporting awarded by the Government Finance Officers Association of the United States and Canada to government units and public employee retirement systems whose comprehensive annual financial reports (CAFRs) achieve the highest standards in government accounting and financial reporting.

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

### **10:30 A.M. SCHEDULED ITEM** **2005-11-01 MENTAL HEALTH – PUBLIC HEARING – ORDINANCE NO. 1768**

The time and date previously set for a public hearing to consider a Proposed Ordinance Changing Fees Charged for Mental Health Services by the Merced County Mental Health Department for Fiscal Year 2005/2006.

The Clerk reads the Proposed Ordinance by title only: An Ordinance Changing Fees Charged for Mental Health Services (Amends Merced County Code, Chapter 9.48, and Section 9.48.030. Supercedes Ordinance No. 1741).

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading of the Proposed Ordinance.

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

The Chairman asks if there is anyone present wishing to speak.

Supervisor Kelsey questions the proposed rates in excess of the State's maximum allowance.

Mental Health Director Troy Fox states the ordinance is adjusted yearly and the fee is higher than the maximum allowable rates to include administrative costs.

The Chairman closes the public hearing.

Upon motion of Supervisor Kelsey, seconded by Supervisor Nelson, duly carried, the Board adopts Ordinance No. 1768.

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

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

**2005-11-01 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT – PUBLIC HEARING**

The time and date previously set for a public hearing to consider and disclose Accomplishments and Final Grantee Performance Report under Community Development Block Grant (CDBG), Microenterprise Assistance: Technical Assistance and Business Training (No. 02-EDBG-884).

Commerce, Aviation and Economic Development Director John Fowler reviews the Staff Report and advises 34 participants completed the Technical Assistance and Business Training program and staff will track the participants. The objectives of the program were met. No one applied for a loan and according to the State, only three loans were awarded statewide.

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

The Chairman closes the public hearing.

The Chairman states no further action is required.

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

**CONSENT ITEM NO. 13**

**2005-11-01 BOARD OF SUPERVISORS**

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board authorizes Certificates of Recognition to the following individuals for outstanding dedication, commitment and significant contributions in assisting with Domestic Violence and in honor of "Response with a Heart": Officer Steve Schnuck- CHP, Detective Adolfo Lomeli-Atwater Police, Detective Donovan Sizemore-Dos Palos Police, Officer Jason Hedden-Los Banos Police, Officer Allen Adrian-Merced Police, Deputy Lane Clark-Sheriff's Department, Deputy Probation Officer Victoria Vega, Deputy District Attorney Christa Gonzalez; Deputy Vince Gallagher-Sheriff's Department as Most Progressive Law Enforcement Officer of the Year and Senator Jeff Denham as Most Progressive Law Enforcement Leader of the Year.

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

**ACTION ITEM NO. 27**

**2005-11-01 BOARD OF SUPERVISORS**

The Clerk announces the acceptance of the resignation of Ruben Castillo as Merced County Counsel is before the Board for consideration.

Counsel Castillo advises the effective date of his resignation was changed from November 19, 2006 to November 26, 2006.

Upon motion of Supervisor Crookham, seconded by Supervisor Nelson, duly carried, the Board accepts Ruben Castillo's one-year advance notice of separation and termination from County Counsel service effective November 26, 2006.

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