

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, MARCH 18, 2008  
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  
CHAIRMAN KATHLEEN M. CROOKHAM.....DISTRICT 2  
MICHAEL G. NELSON.....DISTRICT 3  
DEIDRE F. KELSEY.....DISTRICT 4  
JERRY O'BANION.....DISTRICT 5  
Lydia A. Beiswanger, Chief Clerk

DEMITRIOS O. TATUM  
COUNTY EXECUTIVE OFFICER

JAMES N. FINCHER  
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)**

**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**

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

Persons who require accommodation for any audio, visual or other disability in order to review an agenda, or to participate in a meeting of the Board of Supervisors per the American Disabilities Act (ADA), may obtain assistance by requesting such accommodation in writing addressed to the Clerk of the Board, 2222 M Street, Merced, CA 95340 or telephonically by calling (209) 385-7366. Any such request for accommodation should be made at least 48 hours prior to the scheduled meeting for which assistance is requested

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 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, Director-Commerce, Aviation and Economic Development pursuant to Government Code Section 54956.8 as follows: Castle Property

**THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED THERE WAS NOTHING TO REPORT**

**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** (Testimony limited to five minutes per person)

**REVIEW BOARD ORDER – SEE PAGE 7**

**BUDGET TRANSFER FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) Probation-\$37,000

**APPROVED AS RECOMMENDED AYES: ALL**

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

**APPROVED AS RECOMMENDED WITH MODIFICATION TO CONSENT NO. 3 AYES: ALL**

**REPORTS/BOARD DIRECTION**

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

CONSENT CALENDAR (Items #1 - 12)

**APPROVED AS RECOMMENDED MODIFYING CONSENT NO. 3 AYES: ALL**

Public Works

1. Adopt Resolution restricting parking on a portion of Buhach Road, near the southeast border of the City of Atwater, and authorize installation.

**ADOPTED RESOLUTION NO. 2008-30**

2. Adopt Resolution authorizing the installation of a Yield Sign at the intersection of Cottonwood Road and Ingomar Road in the Gustine area.

**ADOPTED RESOLUTION NO. 2008-31**

3. Award and authorize Chairman to sign Contract with John Rohrer and Public Works Director to sign Amendment to Contract No. 2007293 in an amount not to exceed \$10,350 for the inclusion of the bathroom remodel; approve increasing the project budget in the amount of \$12,000 for a new total project budget of \$102,000 with funding from the Fire Department for the Snelling Fire Station Remodel and approve the necessary budget transfer.

**REVIEW BOARD ORDER – SEE PAGE 7**

4. Terminate Merced County Contract No. 2003250 with Aegis Medical Systems for the ground lease of a 0.62 acre site on C Street between 15<sup>th</sup> and 13<sup>th</sup> Streets for the construction of a medical and addition treatment clinic since the building was not constructed on the site as planned and such a location has already been established on Main Street.

Mental Health

5. Approve and authorize Chairman to sign Renewal Contract No. 2004134 with Merle V. Charles for Patients Rights Advocate services.
6. Approve and authorize Chairman to sign Renewal Contract No. 2004105 with Health Department to transport incoming and outgoing interdepartmental mail.
7. Approve and authorize Chairman to sign Renewal Contract No. 2004051 with Auditor-Controller for mail courier services from Los Banos to Merced location.

Human Services Agency

8. Approve and authorize Chairman to sign Amendment to Contract No. 2006272 with Trilogy Integrated Resources, LLC for development of the Network of Care and Case Coordination System for Human Services Agency, Probation and Health.
9. Approve and authorize Chairman to sign Amendment to Contract No. 2006131 with Merced Community College District for Independent Living Program.

Health

10. Approve and authorize Chairman to sign Amendment to Contract No. 2007124 with First 5 Merced County for First Steps Home Visiting Program.

Executive Office

11. Approve Budget Transfer for Fire, \$26,529 and Public Works, -0- as recommended by Executive Office.

Board Recognition

12. Proclaim March 9 through 13, 2008 as Portuguese Immigrant Week in Merced County.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

13. Authorize Sole Source repair of one Detroit Series 50 Transit Bus Diesel Engine at Valley Power Systems, Inc.

**APPROVED AS RECOMMENDED AYES: ALL**

14. Approve plans and specifications for the Temporary Use of the Old Jury Assembly Room by the Auditor-Revenue and Reimbursement and authorize Public Works to advertise, obtain competitive bids and award Contract to lowest responsible bidder so long as cost is within the approved budget and direct Public Works to report back to the Board on recommended actions.

**APPROVED AS RECOMMENDED AYES: ALL**

15. Approve plans and specifications for the South Dos Palos Irrigation and Shelter Concrete Pad Project, authorize Public Works to advertise, obtain competitive bids and award to lowest responsible bidder within approved budget and direct Public Works report back to the Board on action taken.

**AUTHORIZED CONTRACT NO. 2008050 AS RECOMMENDED AYES: ALL**

MENTAL HEALTH

16. Contract Amendment with Merced County Office of Education for updating the scope of services for the Family Resource Council services and approve budget transfer-\$17,080.00. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2008051 AS RECOMMENDED AYES: ALL**

HEALTH

17. Authorize three-month Contract with First 5 Merced County for Comprehensive Children's Injury Prevention Program not to exceed \$50,000 and approve budget transfer-\$37,800.00. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2007123 AS RECOMMENDED AYES: ALL**

DEPT. OF ADMIN. SERVICES

18. Declare Miscellaneous Office Furniture, Office Equipment, Computer Hardware, Industrial Equipment and Transit Boxes (Exhibit A) as Surplus Property and authorize its disposal.

**APPROVED AS RECOMMENDED AYES: ALL**

SHERIFF

19. Contract with John-Pierre Mendoza for leasing of Office space located at 2105 O Street for the Sheriff Department for housing the Work Furlough Program.

**AUTHORIZED CONTRACT NO. 2008052 AS RECOMMENDED AYES: ALL**

20. Authorize selection and purchase of helicopter that best meets the Merced County Sheriff Department needs and authorize travel of two Sheriff staff to pick up the selected helicopter which may include Out-of-State Travel and approve said Travel, authorize the proceeds of sale of 2001 OMF Symphony aircraft which was purchased and maintained by Sheriff Trust be returned to Sheriff Trust, accept funding from Fresno Methamphetamine Task Force to assist in the offset of this purchase and approve the necessary budget transfer. (4/5 Vote Required)

**REVIEW BOARD ORDER – SEE PAGE 7**

**EXECUTIVE OFFICE**

21. Authorize exploration of the possibility of providing additional retirement service credit of up to two years for eligible employees and return to the Board with the outcome of the actuary report for further consideration and possible action and adopt Resolution.

**REVIEW BOARD ORDER – SEE PAGE 8**

22. Remain with the NACo sponsored Deferred Compensation program administered by Nationwide Retirement Systems, authorize the addition of the Schwab (Self-Directed Broker Option to the County's Deferred Compensation Plan) and authorize Chairman to sign Application; approve the Custodial Agreement with Nationwide Trust Company, FSB and authorize the Chairman to sign any other necessary documents.

**PULLED FROM AGENDA – NO ACTION TAKEN**

23. Reappoint David Robinson as the County Agricultural Commissioner/Sealer of Weights & Measures/Director of Animal Control for a four year term effective February 18, 2007.

**APPROVED AS RECOMMENDED AYES: ALL**

**BOARD OF SUPERVISORS**

24. Amend the 2008 Board Meeting Schedule canceling April 15, May 6, July 29, September 30 and November 25, 2008 Board Meetings.

**APPROVED AS RECOMMENDED AYES: ALL**

25. Authorize Special Board Project Funds-District Four in the amount of \$3,500 to be forwarded to the East Merced Resource Conservation District for assistance with costs to finalize their annexation plans and approves the necessary budget transfer.

**APPROVED AS RECOMMENDED AYES: ALL**

**BOARD APPOINTMENTS**

26. Deferred Compensation Standing Committee – Appointment/Reappointments.

**REVIEW BOARD ORDER – SEE PAGE 8**

27. Business License Appeals Board - Appointment and Reappointments.

**REVIEW BOARD ORDER – SEE PAGE 9**

**BOARD INFORMATION & POSSIBLE ACTION**

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

28. State Corrections Standards Authority re: Approval of Application to house Wards to age 21, pursuant to Section 208.5, Welfare and Institutions Code (WIC).
29. State Water Board re: Notice of Meeting to be held on March 18, 2008.

30. State Water Resources Control Board re: Draft Order adopting cease and desist order and assessing civil liability: Water Right Permit 10477 (Application 12842) - North San Joaquin Water Conservation District, Mokelumne River, San Joaquin County.
31. California Gas Gathering, Inc. re: Franchise Ordinance No. 1650 - Right of Way #19CGG0003-00, Notice that no annual fee is due as applicant has not yet installed pipeline, however Bond is on file and is in effect.

**ADJOURNED MEETING UNTIL TUESDAY, MARCH 25, 2008 AT 10:00 A.M.**

## **BOARD ORDERS – SUMMARY ACTION MINUTES – MARCH 18, 2008**

### **10:00 A.M. SCHEDULED ITEM** **2008-03-18 PUBLIC OPPORTUNITY**

Sam Reingold advises the Youth Resocialization and Job Placement Program for gang members is underway and a Banquet is set for 7:00 p.m. May 2, 2008, at the Hoffmeister Center. He urges the Board to attend and offers to meet with them to explain the program in detail.

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

### **CONSENT ITEM NO. 3** **2008-03-18 PUBLIC WORKS**

The Clerk announces a Change Order to a Contract with John Rohrer Construction for the Snelling Fire Station Remodel is before the Board for consideration and states the budget transfer should be deleted from the recommendation since approved by the Board on March 11, 2008.

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board awards the Contract to John Rohrer Construction and approves increasing the project budget in the amount of \$12,000 for a new total project budget of \$102,000 with funding from the Fire Department and authorizes the Public Works Director to sign Amendment to Contract No. 2007293 (Change Order No. 2) in an amount not to exceed \$10,350 for the inclusion of the bathroom remodel.

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

### **ACTION ITEM NO. 20** **2008-03-18 SHERIFF**

The Clerk announces the Sheriff's request to purchase a helicopter for law enforcement purposes is before the Board for consideration.

Sheriff Mark Pazin reviews the request to purchase a 2005 Robinson R44 Raven II Helicopter equipped with FLIR, camera and search light systems, P.A. and siren package, Lo-Jack vehicle theft detection unit and moving map ground navigation system and states the funding for the helicopter is not General Fund money. He advises if the Board authorizes the purchase of the helicopter, the Merced County Sheriff's Department will be self sufficient in every aspect (ground, water and air) 24 hours a day and seven days a week.

Following discussion and upon motion of Supervisor Pedrozo, seconded by Supervisor Kelsey, duly carried, the Board authorizes the Sheriff and Dept. of Administrative Services to review and select the helicopter that best meets the Merced County Sheriff's Department law enforcement needs; upon completion of sale, authorizes two Sheriff's Department staff to travel to pickup the selected helicopter, which may include out-of-state travel; authorizes proceeds of sale of the 2001 OMF Symphony aircraft which was purchased and maintained by the Sheriff Trust be returned to the Sheriff Trust; accept funding from the Fresno Methamphetamine Task Force to assist in the offset of the purchase and approves the budget transfer in the amount of \$495,000.00.

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

**ACTION ITEM NO. 21**  
**2008-03-18 EXECUTIVE OFFICE**

The Clerk announces a Resolution implementing consideration of Early Retirement Plan pursuant to Government Code Section 31641.04 is before the Board for consideration.

County Executive Officer Dee Tatum states the requested action is not to approve implementation of additional service credit but to allow an actuarial study to determine actual cost to implement an Early Retirement Plan. The County has been holding approximately 214 to 216 non-safety positions vacant all through the year, as the economic slowdown has been occurring over the past year. Discussions with the Retirement Board will need to take place to see if the Board will allow amortization over several years or will require cash up front. CEO Tatum reiterates the methodology is simply to explore the viability of an Early Retirement Plan, which is one option or strategy to achieve cost savings and economic benefit for Merced County and that individuals should not plan or assume this will be approved.

John Carlisle, Merced resident and appearing as a private citizen, a retired County employee and President of REMCO, reads a statement concerning an Early Retirement Plan (Golden Handshake) and states concern that an early retirement plan could jeopardize the financial security of many or all Merced County retirees if it is not done correctly.

Kristi Waskewitz, AFSCME Local 2703 representative, continues to read from Mr. Carlisle's written statement regarding the possibility of an Early Retirement Plan and the affects it could have on Merced County employees/retirees and the Merced County Employees Retirement Board Association.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board authorizes implementation of Government Code Section 31641.04 establishing an Early Retirement Plan to explore the possibility of providing additional retirement service credit of up to two years for eligible employees and to return to the Board with the outcome of the Actuary Report for further consideration and possible action to implement and adopts Resolution No. 2008-32.

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

**ACTION ITEM NO. 26**  
**2008-03-18 DEFERRED COMPENSATION STANDING COMMITTEE**

Upon motion of Supervisor Pedrozo, seconded by Supervisor Kelsey, duly carried, the Board appoints Mary McWatters (representing AFSCME, Local 2703) and reappoints Frank Swiggart (representing Deputy Sheriff Association), David Elgin (representing Lawyer Association), John Volanti, Robert Morris, David Robinson, James Brown and Stephen Jones (representing Management Designee) and Frank Melo (Sheriff Employee Association) to serve as members of the Deferred Compensation Standing Committee until March 1, 2011.

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



**ACTION ITEM NO. 27**

**2008-03-18 BUSINESS LICENSE APPEALS BOARD**

Upon motion of Supervisor Pedrozo, seconded by Supervisor Kelsey, duly carried, the Board reappoints Ted Pedrozo representing District One, Clark Kellogg representing District Two, Mark Dudys representing District 5, until October 21, 2011, reappoints Will Hunter representing District Four until October 21, 2010 and appoints Dennis Nepote representing District Three until October 21, 2010, to serve as members of the Business License Appeals Board in accordance with Ordinance No. 1705.

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