

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, OCTOBER 07, 2008

Closed Session – 8:00 a.m.

Interviews (Merced County Employees Retirement Board) – 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.*

Any material related to an item on this Agenda submitted to the Clerk after distribution of the Agenda packet is available for public inspection in the Office of the Clerk of the Board

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

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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

8:00 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

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL -**

**SIGNIFICANT EXPOSURE TO 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): Two Cases

**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): 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): Lashley v. County of Merced, Merced County Superior Court Case No. 148733

**THE BOARD RECESSED AT 8:00 A.M. AND RECONVENED AT 10:10 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED THERE ARE NO REPORTABLE ITEMS**

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

9:00 A. M.

**INTERVIEWS - MERCED COUNTY EMPLOYEES RETIREMENT BOARD**

Board of Supervisors Representative, One At-Large Position

Applicants: Alfonse Peterson, James Lindsey, Bayani (Jol) Manilay and Mark Bodley

**REVIEW BOARD ORDER – SEE PAGE 10**

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 10**

10:00 A. M.

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items #1 - 30)  
**APPROVED AS RECOMMENDED AYES: ALL**

**REPORTS/BOARD DIRECTION**

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

CONSENT CALENDAR (Items #1 - 30)

**APPROVED AS RECOMMENDED AYES: ALL**

Public Works

1. Authorize Amendment to Contract No. 2007009 (Change Order No. 3) with The Source Group, Inc. for Phase III Investigation and Corrective Action Plan preparation for petroleum contaminated soil and groundwater at Gustine Road Yard and authorize the Public Works Director to sign.
2. Approve and authorize Chairman to sign Grant Deed for Lot A of Quail Hollow Estates Phase 2 Subdivision in Winton and adopt Resolution.  
**ADOPTED RESOLUTION NO. 2008-183**
3. Approve and authorize Chairman to sign Grant Deed with Socorro Flores and Anita Flores for conveyance of additional Beatty Avenue Road Right-of-Way and Public Utility Easement associated with Building Permit No. BP 2006-1840 and adopt Resolution.  
**ADOPTED RESOLUTION NO. 2008-184**
4. Approve and authorize the Public Works Director to sign Amendment to Contract No. 2008010 with Odyssey Landscape Company, Inc. for Lake Yosemite Park Automated Irrigation Water System Project for Scout Island Well Replacement.

Mental Health

5. Approve and authorize Chairman to sign Renewal Contract No. 2008009 with Quest Diagnostics for laboratory testing for consumers at all Mental Health Department facilities.
6. Approve and authorize Chairman to sign Amendment to Contract No. 2007122 with Merced College District for placement of student interns who agree to complete their field practicum requirements with Mental Health for period of July 1, 2008 through June 30, 2009.

Human Services Agency

7. Approve and authorize Chairman to sign Amendment to Contract No. 2007163 with Aspiranet for SB163 Wraparound Services.

8. Authorize use of the Administration Building Parking Lot located at 2222 M Street, Merced from 7:30 a.m. until 2:30 p.m. on December 3, 2008 to start the "Operation Holiday Toy Drive" collection benefiting children of Merced County.

#### Ag. Commission

9. Approve and authorize Chairman to sign Renewal Contract No. 2006187 with Calif. Dept. of Food and Agriculture for Bee Colony Inspections for Red Imported Fire Ant.

#### **ADOPTED RESOLUTION NO. 2008-185**

#### Auditor

10. Approve the consolidation of Supervisorial District Two Runoff, the Cities of Atwater, Gustine, Livingston and Los Banos and the Dos Palos Oro Loma School District, Los Banos Unified School District, Planada Elementary School District and Merced Union High School District with the November 4, 2008 General Election.
11. Approve and authorize Chairman to sign Amendment to Contract No. 2007112 with Brown Armstrong Paulden McCown Starbuck Thornburgh & Keeter Accountancy Corporation for audit services relating to the Redevelopment Agency and authorize the Auditor to sign the Engagement Letter.

#### District Attorney

12. Approve and authorize Chairman to sign Renewal Contract No. 2005240 with U.S. Dept. of Justice for Federal Equitable Sharing Agreement and Certification for the Federal Forfeiture Program for 2007/2008.

#### Cooperative Extension

13. Approve and authorize Chairman to sign Amendment to Contract No. 2005280 with Madera County for reimbursement of mileage rate used by Madera County when providing Farm Advisor Services.

#### Board Recognition

14. Authorize Certificate of Recognition to Snelling Firehouse for Grand Re-opening.
15. Authorize Certificate of Recognition to Eye Mobile for Ribbon Cutting.
16. Authorize Certificate of Recognition to Virginia Ann Riley for years of dedicated service to John Muir Elementary School.
17. Authorize Certificate in Celebration of John and Mona Adkins 50th Wedding Anniversary.
18. Authorize Certificates of Recognition to Atwater Chamber of Commerce Quarter Awards to Pastor Rick Pruitt-Volunteer; Bikes, Board and Racing-Business and Marie Middleton for Expressions of Love-Entrepreneur.
19. Authorize Certificate of Recognition to Prime Shine Car Wash for Ribbon Cutting.
20. Authorize Certificate of Recognition to Tom Hawker for years of service at County Bank.
21. Authorize Certificate of Recognition to Ken Frederick for dedicated service to the California Highway Patrol.
22. Authorize Certificates of Recognitions to Hispanic Chamber of Commerce as follows: Vicky Ramirez-Woman of the Year, Travis Credit Union-Business of the Year, Larry Salinas-Man of the Year and Golden Valley Health Centers-Member of the Year.

23. Authorize Certificate of Recognition to Alma Kollmann for leadership and dedication as President of the Merced/Mariposa Retired Teachers Association.
24. Proclaim week of October 6 - 10, 2008 as "Lawsuit Abuse Awareness Week" in the County of Merced.
25. Adopt Proclamation recognizing October 16, 2008 as International Credit Union Day in Merced County and recognize the 100th Anniversary of Credit Unions in the United States.
26. Proclaim the week of October 25 through 31, 2008 as Red Ribbon Celebration Week in Merced County and authorize and encourage all county departments and employees to wear red ribbons and to display red ribbons on county buildings and vehicles.
27. Proclaim October 8, 2008 as "4-H National Youth Science Day" in Merced County.
28. Proclaim October 5 through 11, 2008 as "National 4-H Week" in Merced County.
29. Approve Resolution of Commendation honoring Joseph Farms, a local company, for their recent achievements at the LA County Fair and State Fair. (Removed for formal presentation set for October 21, 2008)

Sheriff

30. Approve and authorize Chairman to sign Amendment to Contract No. 2005239 with U.S. Dept. of Justice for Federal Equitable Sharing Agreement and Certification for the Federal Forfeiture Program for 2007/2008.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

31. Settlement Agreement with Merced Irrigation District for the destruction of Irrigation Well #87 occurring with the construction of the Campus Parkway.  
**AUTHORIZED CONTRACT NO. 2008237 AS RECOMMENDED AYES: ALL**
32. Authorize Real Estate Contract with Rose Brown for acquisition of Right-of-Way for the Campus Parkway Project; adopt Resolution accepting Grant Deeds (Doc# 2008-058767 and 2008-058768) and approve payment to Trans County Title Company for the appraised value of property plus escrow and any other transaction fees.  
**AUTHORIZED CONTRACT NO. 2008238 AND ADOPTED RESOLUTION NO. 2008-186 AS RECOMMENDED AYES: ALL**
33. Authorize payment to San Joaquin Valley Unified Air Pollution Control District in the amount of \$1,200 for Permit File Review of the County of Merced and authorize the Auditor to issue said warrant.  
**APPROVED AS RECOMMENDED AYES: ALL**
34. Approve plans and specifications for the Refurbishment of the Gracey and Staff Rooms at the Main Library; authorize advertisement of bids and public bid opening; authorize Public Works Director to award project to the lowest responsible bidder and Chairman to sign Contract if within established budget and upon approval of Counsel with Public Works to report back to the Board on actions taken and approve the budget transfer-\$45,000.  
**AUTHORIZED CONTRACT NO. 2008240 AS RECOMMENDED AYES: ALL**

35. Approve plans and specifications for Construction of Phase 1 of the Campus Parkway Project; direct Public Works to return to the Board as an Informational Item disclosing all actions taken, authorize Contract No. 2008241 and approve the budget transfer-\$2,959,844. (4/5 Vote Required)

**APPROVED AS RECOMMENDED AYES: ALL**

36. Authorize Special Services Contract with Environmental Resolutions, Inc. not-to-exceed \$81,980 and authorize the Public Works Director to sign Contract for additional environmental assessments, reports and testing as required by the Regional Water Quality Control Board for the Corporation Yard at 715 Martin Luther King, Jr. Way, Merced.

**AUTHORIZED CONTRACT NO. 2008242 AS RECOMMENDED AYES: ALL**

37. Site Access Contract with Panther Energy Company, LLC and authorize Public Works Director to sign to conduct Geophysical Surveys on the Sandy Mush Site and the El Nido Fire Station site.

**AUTHORIZED CONTRACT NO. 2008243 AS RECOMMENDED AYES: ALL**

38. Special Services Contract with Statewide Excavation, Inc. and authorize Public Works Director to sign Contract not-to-exceed \$15,000 for the Environmental Remediation of Contaminated Soils at the Corporation Yard at 715 Martin Luther King, Jr. Way, Merced and authorize the Public Works Director to execute any and all change orders as required for additional remediation services related to the contaminated soil excavation work unknown at the commencement of the work, as long as the amounts are within the available funding.

**AUTHORIZED CONTRACT NO. 2008256 AS RECOMMENDED AYES: ALL**

#### MENTAL HEALTH

39. Contract with Canyon Manor for Mental Health Rehabilitation Center services and approve the budget transfer-\$90,000.

**AUTHORIZED CONTRACT NO. 2008244 AS RECOMMENDED AYES: ALL**

40. Contract with Dos Palos Memorial Hospital & Clinic for placement of County clinical staff to provide mental health services at their facility.

**AUTHORIZED CONTRACT NO. 2008245 AS RECOMMENDED AYES: ALL**

41. Contract with Health Plan of San Joaquin for provision of mental health services to Plan members effective upon execution by both parties and in effect for one year.

**AUTHORIZED CONTRACT NO. 2008246 AS RECOMMENDED AYES: ALL**

42. Authorize negotiation of Sole Source Purchase Order with United Floor Covering for replacement of flooring on the Inpatient Unit of the Marie Green Psychiatric Health Facility and approve the budget transfer-\$60,000. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2008247 AS RECOMMENDED AYES: ALL**

43. Authorize the Regents of the University of California to act on its behalf in the participation in the California Telehealth Network's Rural Health Care Pilot Program and authorize the Mental Health Director to sign the necessary documents.

**APPROVED AS RECOMMENDED AYES: ALL**

44. Adopt the 2008 Merced County Continuum of Care Plan and the Continuum of Care Application.

**APPROVED AS RECOMMENDED AYES: ALL**

HUMAN SERVICES AGENCY

45. Contract with State Dept. of Health Care Services for Medi-Cal Data Security-Personally Identification Information (PII) regarding Medi-Cal Privacy and Security effective the date of signature with no termination date.

**AUTHORIZED CONTRACT NO. 2008248 AS RECOMMENDED AYES: ALL**

HEALTH

46. Contract Amendment No. 2007274 with First 5 Merced County for Healthy Kids Insurance Coverage and approve the budget transfer-\$77,330. (4/5 Vote Required)

**APPROVED AS RECOMMENDED AYES: ALL**

47. PULLED

48. Enrollment Site Agreement with State Dept. of Health for administration of the AIDS Drug Assistance Program for FY 2008-2011.

**AUTHORIZED CONTRACT NO. 2008235 AS RECOMMENDED AYES: ALL**

PLANNING

49. Authorize release of liability of Fixed Asset #51844 by allowing the Auditor's Office to remove CPU Pent II 450 MHZ Computer from the Inventory list.

**APPROVED AS RECOMMENDED AYES: ALL**

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

50. Contract with Health Department for Emergency Medical Services equipment storage at Building 1230 (approximately 600 square feet) at Castle.

**AUTHORIZED CONTRACT NO. 2008249 AS RECOMMENDED AYES: ALL**

51. PULLED

DEPT. OF WORKFORCE INVESTMENT

52. Contract with Merced College Bookstore to provide required bookstore purchases to Workforce Investment Act participants that are eligible program participants.

**AUTHORIZED CONTRACT NO. 2008239 AS RECOMMENDED AYES: ALL**

53. Contract with Merced College (MOU) for Career Advancement Academy Grant.

**AUTHORIZED CONTRACT NO. 2008251 AS RECOMMENDED AYES: ALL**

PROBATION

54. Approve Progress Report for Juvenile Justice Crime Prevention Act and authorize the Chief Probation Officer to sign and submit said report to the Corrections Standard Authority.

**APPROVED AS RECOMMENDED AYES: ALL**

SHERIFF

55. Authorize the acceptance of a \$194.50 donation from Benina Burroughs to the Sheriff's Ag. Task Force in appreciation and in support of the Task Force.

**APPROVED AS RECOMMENDED AYES: ALL**

AG. COMMISSION

56. Contract with Calif. Dept. of Food and Agriculture for High Risk Exclusion Inspections and adopt Resolution.

**AUTHORIZED CONTRACT NO. 2008252 AND ADOPTED RESOLUTION NO. 2008-187 AS RECOMMENDED AYES: ALL**

EXECUTIVE OFFICE

57. Contract with Judicial Council of California, Administrative Office of the Courts (for Superior Court of California, County of Merced) for the west portion of the Adobe Building (670 West 22nd Street, Merced) with the State reimbursing the County for the cost of utilities.

**AUTHORIZED CONTRACT NO. 2008236 AS RECOMMENDED AYES: ALL**

58. Contract with Cost Control Associates to begin Cost Recovery and Reduction Services for telecom and energy rate changes and directs Staff to cooperate by signing Letters of Authority to energy and telecom suppliers supplying copies of appropriate bills, completing forms and providing other documentation and information as necessary.

**REVIEW BOARD ORDER – SEE PAGES 10 AND 11**

59. Approve the 2007/2008 Grand Jury Letter of Response to the Presiding Judge of the Superior Court and authorize the Chairman to sign the Letter.

**APPROVED AS RECOMMENDED AYES: ALL**

HUMAN RESOURCES

60. Add one Recreational Therapist position to Mental Health Inpatient-BU 41505, Range 71.7 and adopt Resolution.

**ADOPTED RESOLUTION NO. 2008-188 (POSITION) AND 2008-189 (SALARY) AS RECOMMENDED AYES: ALL**

61. Establish Classification of Contract Interim Director of Mental Health and approve Contract providing temporary oversight of the Mental Health Department, adopt Resolution and approve necessary budget transfer-\$129,525. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2008254 AND ADOPTED RESOLUTION NO. 2008-190 (POSITION) AND 2008-191 (SALARY) AS RECOMMENDED AYES: ALL**

BOARD OF SUPERVISORS

62. Authorize Special Board Project Funds-District Four in the amount of \$8,500 to be forwarded to Winton Community Hall Board to assist with the costs of repairs to the Winton Community Hall.

**APPROVED AS RECOMMENDED AYES: ALL**

63. Authorize Special Board Project Funds-District Four in the amount of \$3,500 to be forwarded to Hilmar Community Hall Board for a seal coat on the Parking Lot.

**APPROVED AS RECOMMENDED AYES: ALL**

64. Authorize Special Board Project Funds-District Three in the amount of \$4,585 to purchase a replacement air conditioner unit for Castle Air Museum and authorize Administrative Services to issue a Purchase Order to Extreme Heat & AC.

**APPROVED AS RECOMMENDED AYES: ALL**



COUNTY COUNSEL

65. Approve the Subordination Request by the Redevelopment Agency of the City of Merced with respect to the 2001 and 2008 bonds for the Gateway Redevelopment Project Area and authorize the Chairman to sign the Acknowledgement.

**APPROVED AS RECOMMENDED AYES: ALL**

BOARD APPOINTMENTS

66. May Day Fair Board – Reappointed Nikki Patricio and Scott Silveira, District Five Representatives, and Pat Gallichio, District 5-At Large Representative, to serve as members of the May Day Fair Board until July 1, 2012.

**APPROVED AS RECOMMENDED AYES: ALL**

67. Merced County Employees Retirement Board Recommendation: Appoint one At-Large Member to fill the currently expired term based on the high score of candidates, if above the 70% threshold. Should no candidate be selected, direct the Clerk to continue to receive applications for the position that remains.

**REVIEW BOARD ORDER – SEE PAGE 10**

BOARD INFORMATION & POSSIBLE ACTION

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

68. Sheriff re: Annual Reporting Requirement on Inmate Welfare Trust Fund FY 07/08 in accordance with Penal Code Section 4025(e).
69. CSAC re: Notification of Merced County's outstanding programs that have been selected to receive both the 2008 Challenge and Merit Awards (Population Category: 200,001 to 700,000): Challenge Award - California Counties Innovation Award - All Dads Matter and Merit Award - High Schooled Assistance Dog Program.
70. State Office of Facilities Management re: Pursuant to Government Code Section 14681.5, 60 days prior notice that the State Dept. of Corrections and Rehabilitation is considering leasing a building to be used as a parole office at 435 West 15th Street, Merced.
71. State Water Resources Control Board re: Revised Notice of Public Workshop - San Joaquin River Flow Objectives for the San Francisco/Sacramento-San Joaquin Delta Estuary and Update on Southern Delta Salinity.
72. State Water Resources Control Board re: Notice of California Environmental Quality Act Scoping Meetings.
73. State Water Resources Control Board re: Request for Written Input on Factual Issues regarding the Bay-Delta.
74. Law Library re: Merced County Law Library 2007-2008 Annual Report pursuant to Business and Professions Code Section 6349.
75. NACo re: Notification of nomination through the individual state associations of Supervisor Mike Nelson as the Primary Member of the Transportation Steering Committee.
76. Fire re: National Fire Prevention Week Participation set for October 5 - 11, 2008.

**ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF MARIE SCHROEDER, EDITH MACDONALD, TONY AVILA AND MAGDALENA MAYO UNTIL TUESDAY, OCTOBER 21, 2008 AT 10:00 A.M.**

**BOARD ORDERS – SUMMARY ACTION MINUTES – OCTOBER 7, 2008**

**8:00 A.M. SCHEDULED ITEM**

**2008-10-07 INTERVIEWS – MERCED COUNTY EMPLOYEES RETIREMENT BOARD**

The time and date previously set for Interviews for One (1) At-Large position to be appointed by the Board of Supervisors for the Merced County Employees Retirement Board.

The Board interviews Mark Bodley, James Lindsey, Bayaniu (Jol) Manilay and Alfonse Peterson.

Director of Governmental Affairs Mark Hendrickson advises Board Members will need to finalize scores and provide the score sheets to the Board Clerk for discussion later in the Board Meeting.

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Later in the day, the Clerk announces Action Item No. 67 is before the Board for consideration: Merced County Employees Retirement Board Recommendation - Appoint one At-Large Member to fill the currently expired term based on the high score of candidates, if above the 70% threshold. Should no candidate be selected, direct the Clerk to continue to receive applications for the position that remains.

Mr. Hendrickson advises the scores for the Merced County Employees Retirement Board interviews have been calculated and validated and scored as follows: Mark Bodley-350, Alfonse Peterson-347, Jol Manilay-336 and James Lindsey-320.

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, the Board appoints Mark Bodley to serve as a member of the Merced County Employees Retirement Board until July 1, 2011.

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

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

**2008-10-07 PUBLIC OPPORTUNITY**

Child Support Services Director Rhonda Walton states the Merced County Child Support Services office will be closed from noon to 1:30 p.m. on October 16, 2008.

Tom Grave, Merced, provides information concerning the High Speed Rail Meeting held in Fresno on October 1, 2008.

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

**ACTION ITEM NO. 58**

**2008-10-07 EXECUTIVE OFFICE**

The Clerk announces the contract to begin Cost Recovery and Reduction Services is before the Board for consideration.

Supervisor Nelson states the Contract with Cost Control Associates is provided through National Association of California Counties (NACo) and asks Keith Laake, President of Cost Control Associates, to provide information on the proposed services.

Mr. Laake reviews the services stating this will help the County reduce energy and telecommunication costs and the fees for services are paid entirely out of refunds and cost savings produced.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2008253 with Cost Control Associates for Telecom and Energy Cost Recovery and Reduction Services and directs staff to sign Letters of Authority to energy and telecom suppliers, supplying copies of appropriate bills, completing forms and providing other documentation and information as necessary.  
Ayes: Crookham, Pedrozo, Nelson, Kelsey, O'Banion