



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, NOVEMBER 04, 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.*

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

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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

9:00 A. M.

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): One Case

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

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 11

PRESENTATION - Retired Teachers Association Recognition

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Health-\$15,000 and \$32,145, Mental Health-\$10,000; District Attorney-\$25,000; and Public Works-\$993,987 and \$1,759,109

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 16)

APPROVED AS RECOMMENDED AYES: ALL

10:00 A. M .

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

To consider the Request for Joint Venture Proposal No. (RFJVP) 6374 categorical awards to AMS.NET, AT&T, Avaya, Marketware Technologies, and StateStore vendors for Communications Services, Application Development, Infrastructure, E-Government and Enterprise Systems categories; The Board find, based on the evidence in the record, that the provision of special services described in the proposed contracts will not adversely impact the provision of similar services by private sector companies or individuals within the County and authorize completion of initial two year contracts with each selected vendor subject to approval by County Counsel and final contracts submission for Board approval

REVIEW BOARD ORDER – SEE PAGES 11 AND 12

REPORTS/BOARD DIRECTION

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

CONSENT CALENDAR (Items #1 - 16)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve and authorize Chairman to sign Amendment to Contract No. 2004001 with URS Corporation for Environmental and Cultural Resource Surveys for Black Rascal Creek Flood Control Project Feasibility Study.

Health

2. Approve and authorize Chairman to sign Renewal Contract No. 2007251 with Calif. Dept. of Public Health for Disaster Planning Assistance and Emergency Preparedness Centers for Disease Control Grant and authorize necessary documents and forms be signed for acceptance.

Mental Health

3. Approve and authorize Chairman to sign Amendment to Contract No. 2007275 with California Institute for Mental Health for Functional Family Therapy Trainings and approve budget transfer-\$12,000.
4. Accept donation in the amount of \$60 from United Way of Merced County for use of consumer needs and activities.

Dept. of Workforce Investment

5. Approve and authorize Chairman to sign Amendment to Contract No. 2008086 with Merced College for Westside Plato Lab removing CalWORKs language and reflect 100 percent of the contract shall be paid by Workforce Investment funds and remove all CalWORKs requirements.

Sheriff

6. Approve and authorize Chairman to sign Contract No. 2008276 with Dept. of Justice-Bureau of Justice Assistance to accept the 2008 State Criminal Alien Assistance Award in the amount of \$172,375 for Internet Draw Down and deposit the award into Trust Fund 2576, Sheriff Adult Correctional Facilities with the Sheriff to return to the Board to request all correctional related purchases.

Executive Office

7. Approve and authorize Chairman to sign Renewal Contract No. 2003283 with Merced County Coalition of Unions for Health, Dental and Vision Coverage for 2009.
8. Act on Claim for Damages submitted by Debra Lynam (2008-114) as recommended by Risk Management.
9. Act on Application for Leave to Present Late Claim submitted by Frances Martinez (2008-117) as recommended by Risk Management.
10. Approve Travel Requests for Sheriff and Treasurer as recommended by Executive Office.
11. Approve Budget Transfers submitted by Dept. of Admin. Services-\$8,700; Fire-\$6,000; Probation-\$394 and Public Works-\$2,908 as recommended by Executive Office.

Board of Supervisors

12. Approve Minutes of June 10 and 17, 2008 as submitted.

Board Recognition

13. Authorize Certificates of Recognition for the following selected as Outstanding Senior Volunteers: Frank/Geri Stambach-Friends of the Evangelical Free Church Los Banos; Tom Hammond-Los Banos Golden Agers; Georgianna Carter-Circle of Love; Johnnie/Irma Bowen-Dos Palos Senior Social Club and Walleen Biederman-Los Banos Recreation Commission.
14. Authorize Certificate of Recognition to Carlos Fuentes for accomplishments and establishment of a new Hispanic Law Firm in the County of Merced.
15. Authorize Certificate of Recognition to William Schill for his service to the McSwain Municipal Advisory Council for the period of July 26, 2005 through July 26, 2008.
16. Authorize Resolution of Commendation honoring Michael Gallo for his many charitable donations to the County of Merced on behalf of the Catholic Charities Fifth Annual Harvest of Hope Fundraising Event.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

17. Resolution authorizing Public Works Director to submit Community Facilities Grant Application to the U.S. Dept. of Ag. for the Re-roof of the Winton Community/Veteran's

Memorial Building and committing to providing local matching funds and authorize the necessary paperwork be signed by the Director with the final documents and results of grant acceptance to be returned to the Board for final action.

ADOPTED RESOLUTION NO. 2008-199 AS RECOMMENDED AYES: ALL

18. Contract with Superior Courts of California, County of Merced for Architectural, Engineering and Project Management Services and authorize the Public Works Director to execute Project Supplements for each individual project related to the Retainer Agreement..

AUTHORIZED CONTRACT NO. 2008273 AS RECOMMENDED AYES: ALL

19. Approve Plans and Specifications for Winton Veterans and Community Hall Building, authorize Public Works to advertise for bids and conduct a public bid opening and award the contract to the lowest responsible bidder as long as the bid is within the project budget, authorize the Chairman to sign the Contract after review by Counsel and direct Public Works to return to the Board with report of action taken.

AUTHORIZED CONTRACT NO. 2008277 AS RECOMMENDED AYES: ALL

20. Approve Streetlight License Contract with PG&E for the term of 20 years for deployment of SmartMeter equipment to County-owned street lights.

AUTHORIZED CONTRACT NO. 2008274 AS RECOMMENDED AYES: ALL

21. Contract with Alta Apiaries for temporary storage and removal of beehives used in the course of Alta's activities in raising bees for pollination and the necessary and proper activities thereto.

AUTHORIZED CONTRACT NO. 2008275 AS RECOMMENDED AYES: ALL

FIRE

22. Authorize acceptance of FY 2008 Homeland Security Grant Program with Governor's Office of Homeland Security in the amount of \$623,426 and authorize expenditure of the funds to be used to purchase terrorism incident prevention equipment, hazardous materials detection equipment, information technology, explosive device mitigation equipment and training for the Merced County Operational Area, adopt Resolution and approve the budget transfer-\$623,426. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2008278 AND ADOPTED RESOLUTION NO. 2008-200 AS RECOMMENDED AYES: ALL

HEALTH

23. Contract with California State University, Stanislaus for Clinical Internship placement.

AUTHORIZED CONTRACT NO. 2008280 AS RECOMMENDED AYES: ALL

24. Contract with State Water Resources Control Board for cleanup of 4 Recalcitrant Underground Storage Tank (UST) Sites and accept the receipt of up to \$1.5 million per site from the Emergency Abandoned, Recalcitrant (EAR) Account Funds for cleanup of the following sites: (1) Contract No. 2008281 for 715 Atwater Blvd., Atwater (\$200,000), EAR Site No. R02-061; (2) Contract No. 2008282 for 1619 Sycamore Avenue, Atwater (\$155,000), EAR Site No. R02-064; (3) Contract No. 2008283 for 8220 N. Lander, Hilmar (\$100,000), EAR Site No. R06-103; (4) Contract No. 2008284 for 8024 Azusa Road, Dos Palos (\$100,000), EAR Site No. R06-104 and authorize the Chair to sign the Award Letter for the sites and other necessary forms; authorize Environmental Health Director to sign necessary reports; approve the release of a Request for Proposal to seek qualified contractor to perform corrective action at the designated sites and approve the budget

transfer-\$555,000. (4/5 Vote Required)

AUTHORIZED CONTRACTS AS RECOMMENDED AND ADOPTED RESOLUTION NO. 2008-201 AS RECOMMENDED AYES: ALL

25. Authorize submission of Grant Application to California Integrated Waste Management Board for Farm and Ranch Solid Waste Cleanup and Abatement in the amount of \$6,434 and authorize the Chairman to sign the Grant Application and all necessary documents to implement the grant project and adopt Resolution.

AUTHORIZED CONTRACT NO. 2008272 AND ADOPTED RESOLUTION NO. 2008-202 AS RECOMMENDED AYES: ALL

26. Contract with California Dept. of Health Services for Tuberculosis TB Subvention Grant to carry out TB control program efforts and approve the budget transfer-\$1,528. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2007230 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

27. Contract with Dos Palos Oro Loma Joint Unified School District for Child Welfare Social Workers to facilitate student Leadership classes.

AUTHORIZED CONTRACT NO. 2008285 AS RECOMMENDED AYES: ALL

28. Approve sponsorship of the 2008 Veterans Day Parade by the County of Merced and authorize Chairman to sign Indemnification Contract with City of Merced authorizing the appropriate additional insured status for the City of Merced for the event.

AUTHORIZED CONTRACT NO. 2008279 AS RECOMMENDED AYES: ALL

LIBRARY

29. Authorize Merced Main Library and participating Library branches to accept canned food donations as payment for current Overdue Fines during the time period of December 8 - 20, 2008.

APPROVED AS RECOMMENDED AYES: ALL

30. Authorize Holiday Closures of the Merced County Library System on Wednesday, December 24, 2008 at 1:00 p.m. and all day on Friday, December 26, 2008 and Wednesday, December 31, 2008 at 1:00 p.m. and all day on Friday, January 2, 2009.

APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

31. Authorize release of Request for Proposal to secure Community Based Organizations for implementation of the Mental Health Services Act - Prevention and Early Intervention Plan and authorize selection of the most qualified bidders, negotiate agreements and return to the Board for final award of contracts and necessary budget changes.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

32. Contract with Dos Palos Oro Loma Joint Unified School District for specialized Canine Search services.

AUTHORIZED CONTRACT NO. 2008286 AS RECOMMENDED AYES: ALL

33. Authorize procurement process and initiate a Request for Proposal for Offender Based Electronic Home Monitoring Program system, select the most responsive provider to perform such services and return to the Board for final approval and award of contract.

APPROVED AS RECOMMENDED AYES: ALL

PLANNING

34. Contract with Hilmar Cheese Company for reimbursement of Consultant Costs by ICF Jones & Stokes for Preparation of Initial Study for CUP08-011 and CEQA documents and approve the budget transfer-\$18,210. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2008288 AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

35. Resolution for the Business Revolving Loan Fund Plan Certification as required by the U.S. Dept. of Commerce, Economic Development Administration.

ADOPTED RESOLUTION NO. 2008-203 AS RECOMMENDED AYES: ALL

36. Approve the revised Commerce, Aviation and Economic Development Revolving Loan Fund Program Guidelines and authorize CAED Director to submit the revision to U.S. Economic Development Administration.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

37. Authorize Special Board Project Funds-District One in the amount of \$6,000 to assist with costs of utilities, maintenance, furniture, supplies and repairs for the El Nido Community Hall and to be forwarded to the El Nido Community Hall Board.

APPROVED AS RECOMMENDED AYES: ALL

38. Authorize Special Board Project Funds-District Two to be forwarded as follows: Snelling Courthouse Historical Foundation, Inc.-\$50,000; Merced Theatre Foundation-\$150,000 and Merced Fair-\$25,000 and approve the necessary budget transfer.

REVIEW BOARD ORDER – SEE PAGE 12

39. Selection of California State Association of Counties (CSAC) Board of Directors Member and Alternate for the Year 2009.

THE BOARD APPOINTS SUPERVISOR NELSON AS DIRECTOR AND SUPERVISOR PEDROZO AS ALTERNATE DIRECTOR TO SERVE ON THE CSAC BOARD OF DIRECTORS FOR 2009 AYES: ALL

EXECUTIVE OFFICE

40. Contract with Katherine Hart for Indigent Defense Services.

AUTHORIZED CONTRACT NO. 2008289 AS RECOMMENDED AYES: ALL

41. Approve Fiscal Year 2008/09 Budget Amendments and authorize budget adjustments as recommended by Executive Office as follows: Countywide Revenue-\$142,965; Mental Health-\$3,429,677 and \$480,360; Sheriff-\$130,648 and \$134,368; District Attorney-\$96,523; Probation-\$609,712, Health-\$52,258 and Public Works/Roads-\$366,885 and approve the necessary budget transfers. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

42. Fund the following positions with General Fund based on the recommendation that funding the positions will benefit the community at large rather than removing the positions that have

lost revenue/grant funding: BU 20409-Two DA Investigator II positions, One Deputy District Attorney IV and One Office Assistant III; BU 22100-One Sheriff Dispatcher and BU 28100-One Deputy Coroner I/II for a total of \$597,768.

ADOPTED RESOLUTION NO. 2008-204 AS RECOMMENDED AYES: ALL

43. FY 2008-09 Final Budget - Personnel Actions: Approve departmental personnel actions as reviewed and recommended by Human Resources noting all positions recommended for deletion are currently vacant: (1) Treasurer-BU 11400: Add one Fiscal Manager and delete one Accounting Technician; (2) District Attorney-BU 20400: Add one Account Clerk III and delete one Office Assistant III and one Accounting Technician; (3) Public Defender-BU 20600: Add one Chief Deputy Public Defender and delete one Supervising Deputy Public Defender and change one Deputy Public Defender I/II/III/IV F/T to one Deputy Public Defender I/II/III/IV V/S; (4) Sheriff-BU 22100: Establish and add one Commander-At Will, add one Deputy Sheriff/Coroner I/II (TID Contract) and delete two Deputy Sheriff I/Deputy Sheriff Cadet; (5) Sheriff/Corrections-BU 23000: Add one Correctional Officer I/II (DPW/Roads Contract); (6) Probation-BU 23400: Delete two Deputy Probation Officer I/II; (7) Public Works-Roads-BU 30000: Delete one County Refuse Control Worker I/II; (8) Health/CSS-BU 40007: Delete three Occupational Physical Therapist I/II, one Office Assistant I/II and one Community Health Nurse; (9) Health/Child Health-BU 40010: Delete one Nutritionist; (10) Health/Prevention-BU 40013: Delete one Office Assistant I/II, transfer Community Health Specialist from BU 40013 to 40034 and delete one Community Health Specialist; (11) Health/Environmental Health-BU 40016: Delete one Environmental Health Technician I/II and change one Environmental Remediation Specialist to Project Engineer; (12) Health/Laboratory-BU 40028: Delete two Public Health Lab Microbiologist I/II; (13) Health/Maternal & Child Health-BU 40031: Delete one Community Health Nurse; (14) Health/Public Health Nursing-BU 40034: Delete two Community Health Specialist and one Supervising Public Health Nurse; (15) Health/Children and Families First-BU 40601: Delete one First 5 Program Manager; (16) Medical Assistant Program-BU 49500: Delete two Eligibility Worker I/II and transfer Medical Claims Clerk I/II from BU 49500 to BU 40013 and one Support Services Analyst I/II from BU 49500 to BU 40001; (17) Mental Health/COPE-BU 41514: Add one Mental Health Clinician I/II; (18) Mental Health/Women Services-BU 41520: Delete one Program Assistant; (19) Mental Health/Prop 36-BU 41525: Delete one Alcohol & Drug Program Manager; (20) Workforce Investment-BU 55000: Delete one Support Services Analyst I/II and one Office Assistant I/II and add one Staff Services Analyst I/II; (21) Library-BU 60000: Change one Library Resource Technician I/II FT to V/S; (22) Admin. Serv.-BU 75601: Add two Automation Systems Analyst I/II and approve the modifications to the following class specifications: Agricultural Biologist I/II/III, Community Health Specialist, Communicable Disease Investigator, Extra Help Elections Technician, Human Resource Analyst I/II/III, Park Maintenance Specialist I/II, Project Engineer, Road Maintenance Worker I/II/III and UC Coop. Extension Office Manager and adopt the necessary Resolutions.

ADOPTED RESOLUTION NO. 2008-205 AS RECOMMENDED AYES: ALL

44. Approve termination of Contract No. 2004145 with Merced College effective December 4, 2008; direct Human Services Agency and Dept. of Workforce Investment to reduce the CalWORKs Contract for the period beginning June 1, 2009; authorize Reduction In Force up to the currently identified thirty-five (35) filled positions at Human Services Agency and possible Dept. of Workforce Investment reduction predicated upon the contract, effective date based on one of the following options: (A) January 18, 2009 with no realignment transfer, (B) March 29, 2009 with no realignment transfer, (C) May 31, 2009 with

realignment trust transfer from Mental Health Realignment Trust; In accordance with Human Resources Rules and Regulations 2007-22 authorizes the Human Resources Department and the departments affected to issue letters and to pursue opportunities for the incumbents displaced by the reduction in force; delete the fifty-eight (58) vacant positions in the Human Services Agency and eight (8) vacant positions in the Dept. of Workforce Investment for FY 2008/09; authorize the Auditor/Controller, as necessary, to reallocate up to 10% of FY 2008/09 Realignment Funds from the Mental Health Realignment Trust Fund to the Social Services Realignment Trust; direct the CEO to return to the Board with related budget adjustments; authorize the Chairman to sign the necessary documents and adopt Resolution.

REVIEW BOARD ORDER – SEE PAGE 13

44. Cancel contract and financing negotiations for Energy and Water Conservation Retrofit Project and rescind action of July 22, 2008 to approve Contract with Siemens Building Technologies for the Energy and Water Conservation Retrofit Project; rescind action of September 2, 2008 to approve a Master Lease Agreement with Sun Trust Equipment Finance and Leasing Corporation for the financing of the Energy and Water Conservation Retrofit Project and authorize payment for Detailed Study Report and other costs related to negotiations of contract and financing of Energy and Water Conservation Retrofit Project.

REVIEW BOARD ORDER – SEE PAGE 14

BOARD APPOINTMENTS

46. Housing Authority of the County of Merced - Tenant Member Appointment.

PULLED FROM THE AGENDA – NO ACTION TAKEN

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

47. Public Works re: Notice of Intent to amend County Code Improvement Requirements, Chapter 16.08 of the Merced County Code.
48. State Wildlife Conservation Board re: East Merced Vernal Pool Grassland Preserve, Expansion 6 - Merced County, Project ID 2003158, consideration of allocation for a grant to the Calif. Rangeland Trust to assist in its acquisition of a conservation easement over 2,918+/- acres of land for the preservation and enhancement of wildlife habitat located in Merced County and identified as APN 053-070-001, 002, 003, 004 and 005, 060-010-002 and 060-060-002.
49. State Water Resources Control Board re: Notice of Petition for the Temporary Change involving the transfer of 100 acre feet of water to the U.S. Bureau of Reclamation under Calif. Dept. of Water Resources Permit 164872 (Application 17512).
50. Governor's Office of Emergency Services re: U.S. Dept. of Agriculture granted a Secretarial disaster designation for the County of San Benito and the contiguous counties of Fresno, Merced, Monterey, Santa Clara, and Santa Cruz due to agricultural losses caused by drought beginning July 2007 and continuing.
51. Federal Emergency Management Agency re: Copy of the Revised Flood Insurance Study (FIS) materials for Merced County, CA and Incorporated Areas, prepared by Dept. of Homeland Security, FEMA.

52. State Water Resources Control Board re: Notice of Proposed Emergency Rulemaking - Water Right and Water Quality Certification Fees, Amendments to Division 3 of Title 23 of the Calif. Code of Regulations.
53. Governor's Office of Emergency Services re: The U.S. Small Business Administration has declared the primary County of San Benito and contiguous counties of Fresno, Merced, Monterey, Santa Clara and Santa Cruz a disaster area as a result of an October 6, 2008, USDA disaster declaration designation due to agricultural losses caused by drought beginning July 2007 and continuing.

ADOPTED RESOLUTIONS IN MEMORY OF CECIL ARGABRIGHT, LILLIAN V. BRIGHT AND IRMA MAYO PETERS AND ADJOURNED MEETING UNTIL TUESDAY, NOVEMBER 18, 2008 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – NOVEMBER 4, 2008

10:00 A.M. SCHEDULED ITEM **2008-11-04 PUBLIC OPPORTUNITY**

Assessor Kent Christiansen appears and reviews and submits a statement and Fact Sheet concerning the 2009-10 Assessment Roll for Merced County.

Eloise Sowders speaks regarding problems with her designated polling place.

Marie Lucio speaks regarding her interest in serving as a commissioner on the Housing Authority of the County of Merced and re-submits a Letter of Interest.

Supervisor Nelson, speaking as the Board's representative on the San Joaquin Valley Air Pollution Control District, presents a Resolution of Appreciation for the Board of Supervisors' outstanding commitment to achieve Clean Air in the County of Merced.

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

10:00 A.M. SCHEDULED ITEM **2008-11-04 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PUBLIC HEARING**

The time and date previously set for a public hearing to consider the Request for Joint Venture Proposal No. (RFJVP) 6374 categorical awards to AMS.NET, AT&T, Avaya, Marketware Technologies, and StateStore vendors for Communications Services, Application Development, Infrastructure, E-Government and Enterprise Systems categories submitted by Commerce, Aviation and Economic Development.

Commerce, Aviation and Economic Development Director John Fowler reviews the Staff Report.

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

The Chairman closes the public hearing.

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board approves Request for Joint Venture Proposal No. (RFJVP) No. 6374 list of categorical awards to the following vendors:

COMMUNICATION SERVICES: Call Center Solutions with ACD, Engineering/Consulting Services, Integrated Voice Response (IVR), Internet Protocol (IP) Solutions, Voice Over Internet Protocol (VOIP), Unified Messaging, Telecommunication Systems (PBX), Telephone Handsets, and Voice Mail Solutions awarded to AMS.NET, AT&T, Avaya, Marketware Technologies; Wireless Voice Communication Services awarded to AMS.NET, Avaya, Marketware Technologies; Emergency Notification Solutions (Reverse 911) awarded to AT&T, Avaya, Marketware Technologies; Voice Calling Plans awarded to AT&T;

APPLICATION DEVELOPMENT: Enterprise Application Development & Conversion Tools, Application Installation Solutions and Application Version Control Solutions awarded to AT&T;

INFRASTRUCTURE: Battery Backup Systems awarded to AMS.NET, AT&T, Avaya; Cabling Services and Energy Auditing, Management, Conversation & Alternative Solutions awarded to AMS.NET, AT&T; Engineering/Consulting Services, Enterprise Mobility Solutions, Maintenance Services, Network Host and Network, Host & Enterprise Management Solutions awarded to AMS.NET, AT&T, Avaya, Marketware Technologies; Network Host & Enterprise Security Solutions, Firewall & Virtual Private Network (VPN) Solutions and Intrusion Detection/Prevention Solutions, Video Solutions, Web Monitoring & Filtering Solutions and Wireless Solutions awarded to AMS.NET, AT&T, Avaya, Marketware Technologies, StateStore; Transport Solutions (PRI, MPLS, Supertrunks) awarded to AT&T and Avaya;

E-GOVERNMENT: Web Site Analytics, Web Site Content Management Solutions, Web Site Design, Development, Hosting Services, Web Site Development Tools, Web Site Intranet Solutions and Web Site Portal Solutions awarded to AMS.NET, AT&T;

ENTERPRISE SYSTEMS: Anti-Virus, Spam, Spyware Solutions awarded to AMS.NET, AT&T, StateStore; Consulting Services awarded to AT&T, Marketware Technologies; Enterprise Mobility Solutions awarded to AMS.NET, AT&T, Marketware Technologies and StateStore; Helpdesk Solutions awarded to AMS.NET; Hosting Services and Applications AND Radio Frequency Identification (RFID), Data Encryption Products & Services awarded to AMS.NET, AT&T; Storage & Data Management Products awarded to AMS.NET, AT&T, Marketware Technologies and Training Solutions awarded to AMS.NET, AT&T, Avaya;

and Finds based on the evidence in the Record, that the provision of special services described in the proposed contracts will not adversely impact the provision of similar services by private sector companies or individuals within the County and authorize completion of initial two year contracts with each selected vendor subject to approval by County Counsel and final contracts submission for Board approval.

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

ACTON ITEM NO. 38

2008-11-04 BOARD OF SUPERVISORS

The Clerk announces Special Board Project Funds-District Two expenditures are before the Board for consideration.

Supervisor O'Banion moves, the Board authorize Special Board Project Funds-District Two be forwarded to Snelling Courthouse Historical Foundation, Inc. in the amount of \$50,000, Merced Theatre Foundation in the amount of \$150,000 and Merced County Fair (35th District Agricultural Association) in the amount of \$25,000 and approve the necessary budget transfer.

Chairman Crookham states the amount is less than previously presented and all three organizations will provide an opportunity for employment.

The motion dies for the lack of a second.

No further action is taken.

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

ACTON ITEM NO. 44

2008-11-04 HUMAN RESOURCES

The Clerk announces the Human Services Agency FY 2008/09 Budget Amendments are before the Board for consideration.

County Executive Officer Demitrios Tatum provides an overview of the Budget Shortfall and reviews the recommendations, including Options A, B and C.

The Board discusses transfer of realignment funds, the Reduction in Force (RIF) process, service to the public and assistance from legislators.

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

The following HSA employees speak in opposition to the layoffs: Norma Conway reads and submits a letter signed by several HSA employees, Christina Gardner submits numerous letters in opposition from HSA employees and Carolyn Leifker and Amy Martinez also speak in opposition.

Diana Westmoreland (Merced) states many previous Board decisions have cost the County money and makes suggestions on changing the County planning processes which would save money.

AFSCME Representatives Marilyn Waters and Kristi Waskewitz speak in opposition to the layoffs.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board takes the following action as recommended by Human Resources for the Human Services Agency Budget Amendments for FY 2008/09 with the understanding the County will seek special consideration for the County's entire economic situation:

1. Approves termination of Contract No. 2004145 with Merced College effective December 4, 2008.
2. Directs Human Services Agency and Department of Workforce Investment to reduce the CalWORKS contract for the period beginning June 1, 2009.
3. Authorize Reduction In Force up to the currently identified thirty-five (35) filled positions at Human Services Agency and possible Department of Workforce Investment reduction predicated upon the contract, effective May 31, 2009, with realignment trust transfer from Mental Health Realignment Trust.
4. In accordance with the Human Resources Rules and Regulations Resolution No. 2007-22 authorizes the Human Resources Department and the departments affected to issue letters and to pursue opportunities for the incumbents displaced by the Reduction In Force.
5. Delete the fifty-eight (58) vacant positions in Human Services Agency and eight (8) vacant positions in Department of Workforce Investment for Fiscal Year 2008/09.
6. Approve the Amending Resolution to the Position Allocation Resolution.
7. Authorize the Auditor/Controller, as necessary, to reallocate up to 10% of Fiscal Year 2008/09 Realignment Funds from the Mental Health Realignment Trust Fund to the Social Services Realignment Trust.
8. Directs the County Executive Officer to return to the Board with related budget adjustments.
9. Authorizes the Chairman to sign all necessary documents.

and adopts Resolution No. 2008-205A.

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

ACTON ITEM NO. 45

2008-11-04 EXECUTIVE OFFICE

The Clerk announces the Siemens Building Technologies Energy and Water Conservation Retrofit Project is before the Board for consideration.

Assistant County Executive Officer Jim Brown provides an update on the proposed project.

Supervisor Kelsey states this project should not be canceled because the end result would save the County money and inquires about obtaining financing for the project.

Following discussion and upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board cancels the contract and financing negotiations for the Energy and Water Conservation Retrofit Project, rescinds action of July 22, 2008 to approve contract (Contract No. 2008177) with Siemens Building Technologies for the Energy and Water Conservation Retrofit Project, rescinds action of September 2, 2008 to approve a Master Lease Agreement (Contract No. 2008210) with Sun Trust Equipment Finance and Leasing Corporation for the financing of the project and authorizes payment for the Detailed Study Report and other costs related to negotiations of contract and financing of Energy and Water Conservation Retrofit Project with the understanding staff will continue to investigate options for the project.

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