



MERCED COUNTY
BOARD OF SUPERVISORS
SUMMARY ACTION MINUTES

Regular Meeting
TUESDAY, JULY 31, 2001
Closed Session – 8:30 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

CHAIR GLORIA CORTEZ KEENE.....DISTRICT 1
KATHLEEN M. CROOKHAM....DISTRICT 2
JOE RIVERO.....DISTRICT 3
DEIDRE F. KELSEY....DISTRICT 4
JERRY O'BANION.....DISTRICT 5
Lydia A. Beiswanger, Chief Clerk

DEMITRIOS O. TATUM
ACTING COUNTY ADMINISTRATIVE OFFICER

DENNIS MYERS
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

8:30 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) Paul Fillebrown-Public Works Director pursuant to Section 54956.8 as follows:
Property/Reference: Castle Airport - Buildings 1560, 1509 and 1529
Negotiating Parties: Castlejet

8:30 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 Subdivision (b) of Section 54956.9: Two Cases

CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATOR: It is the intention of the Board to meet in Closed Session pursuant to Section 54957.8 concerning a Conference with County of Merced Staff negotiators concerning negotiations with Merced County Lawyers Association, Unit 7 and Merced County Sheriff Employee Association (MCSEA), Unit 2

THE BOARD RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF

10:00 A. M.

PLEDGE OF ALLEGIANCE

INVOCATION

Pastor Mike Woodman – Grace Community Church, Merced

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 9

UC MERCED PROJECT - Liaison Report

RECEIVED REPORT FROM UC LIAISON KATHLEEN CROOKHAM

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 – 18)

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF COMMUNITY ACTION AGENCY CONSENT AGENDA CALENDAR (Items #19 - 26)

APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

ADDED AGENDA ITEM:

REVIEW BOARD ORDER – SEE PAGE 9 AND 10

THE BOARD FINDS THE NEED, SUBSEQUENT TO THE POSTING OF THE AGENDA, TO CONSIDER THE FOLLOWING AND PLACES THE ITEM ON THE AGENDA FOR CONSIDERATION:

- a. **Energy Conservation Project**
- b. **Memorandum of Understanding with Unit 7-Attorneys**
- c. **Health Care Plan changes, and**
- d. **Site Lease with Cricket Communications.**

AYES: ALL

THE BOARD APPROVED THE RECOMMENDATIONS AS SUBMITTED

AYES: ALL

10:30 A. M.

ADMINISTRATION – AUDIT PRESENTATION – Consulting Firm Zucker Systems

An Operational and Permitting Audit of the Planning Department

REVIEW BOARD ORDER – SEE PAGE 10 AND 11

MODIFIED RECOMMENDATIONS TO RECEIVE REPORT BACK IN 45 DAYS AYES: ALL

PLANNING – Community Planning Chapter of the County General Plan and Community Plan Updates for Delhi and Planada

REVIEW BOARD ORDER – SEE PAGE 11

APPROVED RECOMMENDATIONS AYES: ALL

REPORTS/BOARD DIRECTION

- County Administrator
- County Counsel
- County Auditor
- Board of Supervisors Members

LUNCH BREAK

CONSENT CALENDAR (Items #1 – 18)

APPROVED AS RECOMMENDED AYES: ALL

Health

1. Adopt Resolution authorizing Chairman to sign Renewal Application with State Dept. of Health Services for Children’s Dental Disease Prevention Program for FY 2001-04.
ADOPTED RESOLUTION NO. 2001-139
2. Approve and authorize Chairman to sign Renewal Contract No. 9744 with District Attorney’s Office for the investigation of fraud/abuse within the Indigent Health Care Programs.
- 2a. Adopt Resolution authorizing Chairman to sign Amendment to Contract No. 8385 with State Dept. of Health Services for the Immunization Program.
ADOPTED RESOLUTION NO. 2001-140
- 2b. Adopt Resolution authorizing Chairman to sign Contract No. 7266 with State Office of AIDS for Master Agreement for AIDS Program funds and adopt Resolution authorizing Director of Public Health to sign Memoranda of Understanding for AIDS related projects.
ADOPTED RESOLUTION NO. 2001-141 (AIDS MOU) AND 2001-142 (AIDS MASTER AGREEMENT)

Treasurer

3. Accept Merced County Pooled Investments Report for the Quarter Ending June 30, 2001.

Private Industry Training Department

4. Approve and authorize Chairman to sign Renewal Contract No. 9858 with Merced College for Licensed Vocational Nursing Training for WIA participants.

5. Approve and authorize Chairman to sign Renewal Contract No. 2001112 with Merced Adult School for Basic Education Services.
- 5a. Approve and authorize Chairman to sign Amendment to Contract No. 10072 with VIA Adventures, Inc. to provide transportation for participants to out-of-town training sites.

Ag. Commission

6. Approve and authorize Chairman to sign Renewal Contract No. 10271 with Calif. Dept. of Food and Agricultural for 2001-2002 High Risk Pest Exclusion Inspection Program.
- 6a. Approve and authorize Chairman to sign Renewal Contract with County of Mariposa to handle and dispose of animals for FY 2001/2002.
CONTRACT NO. 2000172

Human Services Agency

7. Authorize Overhire of one Social Worker III for a Limited Term Period to not exceed six months.
8. Approve and authorize Chairman to sign Renewal Contract No. 7171 with Merced County Office of Education for excess costs for services to CalWORKs Employment and Training participants.

Area Agency on Aging

9. Approve and authorize Chairman to sign Renewal Contract No. 99080 with Catholic Charities of the Diocese of Fresno for a Senior Companion Program.
10. PULLED
11. Approve and authorize Chairman to sign Renewal Contract No. 99111 with Area Agency on Aging for Linkages and Respite Program services.
12. Resolution authorizing Chairman to sign Renewal Contract No. 5868 with Calif. Dept. of Aging for provision of multiple services to the senior citizens.
ADOPTED RESOLUTION NO. 2001-143

Mental Health

13. Approve and authorize Chairman to sign Renewal Contract No. 8953 with Merced County Office of Education for provision of an Educational Psychologist to the AB 3015 Program.

Board Recognition

14. Authorize Certificate of Recognition for Grand Opening Phase 2 at Merced Community Senior Center.
15. Authorize Certificate of Recognition to Habitat for Humanity of Merced County in recognition and dedication of their Sixth Major Project.
16. Authorize Certificate of Recognition to Don Watts for 40 years of dedicated service to the community of Merced upon retirement from the equipment rental industry.
17. Authorize Certificate of Recognition to Perry/Yokley's After School Program Open House.

18. Authorize Certificate of Recognition in recognition of Casitas del Sol Grand Opening and Ribbon Cutting.

COMMUNITY ACTION AGENCY CONSENT CALENDAR (Items #19 – 26)

APPROVED AS RECOMMENDED AYES: ALL

19. Approve and authorize CAB Chair to sign Contract with State Dept. of Education for Child Development Services Program for FY 2001/2002.
20. Approve and authorize CAB Chair to sign Contract with State Dept. of Education for the State Preschool Program for FY 2001/2002.
21. Approve and authorize CAB Chair to sign Contract with 35th District Ag. Association for the Head Start Program use of portable classrooms, office space and restrooms with heating, cooling and playground area located at the Merced County Fairgrounds.
22. Approve and authorize CAB Chair to sign Contract with 35th District Ag. Association for the Head Start Program use of the Cafeteria Building Kitchen Facilities at the Merced County Fairgrounds.
23. Approve and authorize CAA to submit the Head Start Department's Expansion Application to the Administration for Children and Families for funding in the amount of \$528,067.
24. Approve and authorize CAA to submit the Head Start Department Program Improvement Application to the Administration for Children and Families for funding in the amount of \$329,554.
25. Adopt Resolution authorizing Chairman to sign Contract with State Dept. of Community Services and Development for Department of Energy Low-Income Weatherization Assistance Program for the provision of program services and energy conservation measures to dwellings of the eligible low-income population residing within the service area of Merced/Madera Counties.

ADOPTED RESOLUTION NO. 2001-144

26. Accept and place CAA Information, Staff and Committee Reports on file.

REGULAR CALENDAR

BOARD ACTION

HEALTH

27. Contract with State Dept. of Health Services for Automated Filing of Death Certificates.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001161 AYES: ALL

PUBLIC WORKS

28. Approve Plans and Specifications for Construction of a Paved Composting Pad at the Highway 59 Landfill and set bid opening for August 23, 2001 at 3:00 p.m. with information to come back to the Board with results.
APPROVED AS RECOMMENDED AYES: ALL
29. Revised total estimated Project Budget for Construction of a Perimeter Landfill Gas Migration Control System at Highway 59 Landfill in the amount of \$208,293 and award construction contract to IT Corporation.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001162 AYES: ALL
30. Contract with Shamrock S. Pollination Service, Inc. for approximately three acres in the southeasterly portion of the Sunset Drive borrow pit for the Temporary Storage and Removal of Bee Hives and adopt Resolution.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001160 AND ADOPTED RESOLUTION NO. 2001-145 AYES: ALL
31. Contract with Office of the State Controller for services to prepare the Annual Street and Road Report for FY 2000/2001.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001172 AYES: ALL
32. Change Order No. 1 to Contract No. 2001135 with Viking General Contractors, Inc. for the Additional Parking Lot at the Mental Health Facility.
APPROVED AS RECOMMENDED AYES: ALL
33. PULLED.
34. Approve Annual Retainer Contract with Thorburn Associates for Audio/Visual Professional Consulting Services.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001164 AYES: ALL

AG. COMMISSION

35. Authorize circulation of Request for Proposal for an Independent Contract Veterinarian to provide Medical Services at the Merced County Animal Shelter.
APPROVED AS RECOMMENDED AYES: ALL

PRIVATE INDUSTRY TRAINING DEPARTMENT

36. Transfer ownership of two surplus vans from PITD to the Housing Authority of the County of Merced FIRM BUILD Program to be utilized to transport program participants and their equipment to work sites.
APPROVED AS RECOMMENDED AYES: ALL
37. Contract with Russell Grossman for Storage Facility Space for PITD files and records.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001165 AYES: ALL
38. Contract with Derrel's Mini Storage for storage of Public Guardian/Conservator client property.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001166 AYES: ALL

GENERAL SERVICES

39. Contract with Robert and Yvonne Ayers and Margaret Lawler for Misdemeanor Criminal Prosecution Division office space.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001167 AYES: ALL

40. Accept Video Conferencing Equipment from Calif. State Association of Counties (CSAC) and authorize implementation understanding the County will be responsible for the monthly costs of the dial-up service and the video calls costs.

APPROVED AS RECOMMENDED AYES: ALL

RETIREMENT

41. Adopt recommended Retirement Rates effective September 14, 2001.

APPROVED AS RECOMMENDED AYES: ALL

ADMINISTRATION

42. Ratify an Agreement to extend the existing MOU between Merced County and Unit 2 – Merced County Sheriff Employees Association which will continue their contract through June 30, 2004.

APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001168 AND ADOPTED RESOLUTION NO. 2001-146 AYES: ALL

BOARD OF SUPERVISORS

43. Adopt Resolution supporting the use of the *Policy Statement for Farmland Conservation Easements Funded through the Agricultural Transaction Program of the Great Valley Center in Merced County*”.

REVIEW BOARD ORDER – SEE PAGE 11

APPROVED AND ADOPTED RESOLUTION NO. 2001-147 AYES: ALL

APPOINTMENTS

44. Board of Supervisors re: Committees/Commissions and Board Recommendations.

BOARD INFORMATION AND POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

45. District Attorney re: Year End Summary Report for the Family Support Division regarding the overall performance for FY 2000/2001.

46. Public Works re: Notification of Contract Award to W. Jaxon Baker, Inc. for Construction of an Asphalt Concrete Overlay on Applegate Road and Turner Road in the County of Merced.

AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2001117

47. Marshal re: Letter of official notification of intent to retire as Merced County Marshal effective September 1, 2002.
48. Le Grand Union High School District re: Resolution ordering an Election to authorize the issuance of school bonds, establishing specifications of the election order and requesting consolidation with other elections occurring on November 6, 2001.
49. Calif. Dept. of Social Services re: Copy of Letter to Legislative Representative Dale Wagerman regarding the Dept. of Child Support Services proposal to consolidate Madera County's child support services program with neighboring county programs.
50. U.S. Dept. of Commerce re: Notice of no response to the 2001 Boundary and Annexation Survey.
51. State Board of Equalization re: Revision of Local Roll Rules – Property Tax Rules 252, 253, 254, 256, 261, 262 and 304 and Proposed New Rules 255, 263, 264 and 265. (On file with Clerk)
52. State Board of Equalization re: San Joaquin County Assessment Practices Survey – June 2001. (On file with Clerk)
53. State Dept. of Fish and Game Commission re: Notice of Meeting on August 3, 2001.
54. State Dept. of Social Services re: Child Abuse Prevention, Intervention and Treatment (CAPIT) funds – notice further review is needed.
55. Caliper Corporation re: Information and details about services provided - redistricting software. (On file with Clerk)
56. Calif. State Library re: Revised Timeline for the Library Bond Act and Proposed Regulations Notice for Public Hearing for Proposed Title 5 and Title 24 Regulations. (On file with Clerk)
57. Project CHERISH re: Notice of Auction set for October 20, 2001 and request for an item or service to be auction off.
58. Calif. Dept. of Child Support Services re: Revised Federal Order/Notice to withhold Income for Child Support Form. (On file with Clerk)
59. State Water Resources Control Board re: Public Meetings to discuss the legal classification of groundwater.

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF DICK BONDS, RAY OTT AND MARY VELASQUEZ UNTIL TUESDAY, AUGUST 14, 2001 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JULY 31, 2001

10:00 A. M. SCHEDULED ITEM **2001-07-31 PUBLIC OPPORTUNITY**

Certificates of Recognition are presented by the Board to Mary Jo Campodonica, Alberta Miolano, Brenda Callahan-Johnson and Sabra Abbate in recognition of services to the Wine and Dine for Canine and Felines Committee for funds for the Ag. Commission – Animal Shelter.

A check is presented to the Board in the amount of \$26,000 from Fund Raiser Chairman Alberta Miolano.

Present: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

10:00 A. M. ADDED AGENDA ITEM **2001-07-31 ADMINISTRATION/PUBLIC WORKS**

Upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried, the Board finds a need arose, subsequent to the posting of the agenda, to place the Energy Conservation Project for eleven (11) Merced County Facilities on the agenda for Board consideration.

Upon motion of Supervisor Crookham, seconded by Supervisor Rivero, duly carried, the Board sets the public hearing for August 14, 2001 at 10:30 a.m. to consider the Sole Sourcing an Energy Retrofit Contract with Siemens Building Technologies for eleven Merced County facilities.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

10:00 A. M. ADDED AGENDA ITEM **2001-07-31 ADMINISTRATION**

Upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried, the Board finds a need arose, subsequent to the posting of the agenda, to place the Memorandum of Understanding with Unit 7-Attorneys on the agenda for Board consideration.

Upon motion of Supervisor Crookham, seconded by Supervisor Rivero, duly carried, the Board ratifies the Memorandum of Understanding between Merced County and Unit 7-Attorneys and authorizes the Chairman to sign Contract No. 2001169 and adopts Resolution No. 2001-148.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

10:00 A. M. ADDED AGENDA ITEM

2001-07-31 ADMINISTRATION

Upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried, the Board finds a need arose, subsequent to the posting of the agenda, to place notice of change in health care plan for Unrepresented Management on the agenda for Board consideration.

Upon motion of Supervisor Crookham, seconded by Supervisor Rivero, duly carried, the Board authorizes the Assistant County Administrator to send a 30 day notice of termination effective August 31, 2001 to Lifeguard and proceed with the processes necessary to extend Blue Cross health care coverage to unrepresented management effective September 1, 2001.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

10:00 A. M. ADDED AGENDA ITEM

2001-07-31 ADMINISTRATION/GENERAL SERVICES

Upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried, the Board finds a need arose, subsequent to the posting of the agenda, to place the possible site lease with Cricket Communications on the agenda for Board consideration.

Upon motion of Supervisor Crookham, seconded by Supervisor Rivero, duly carried, the Board direct the Director of General Services to work with the departments of Planning and Public Works to develop a mutual benefit agreement for leasing of a 35' x 35' plot site with the construction of a 60' cellular tower at the Merced County McKee Fire Station with Alpha Omega, contracting agent for Cricket Communications, authorizes the release of public notice to surrounding property owners of this proposal and authorize the Chairman to sign Contract No. 2001170 subject to review of Counsel, Planning and Public Works.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

10:30 A. M. SCHEDULED ITEM

2001-07-31 ADMINISTRATION – AUDIT PRESENTATION

The time and date previously set for the Presentation by Consulting Firm Zucker Systems for review of the Operational and Permitting Audit of the Planning and Community Development Department.

Mr. Paul Zucker, President of Zucker Systems, reviews the Report dated July, 2001 prepared as an independent assessment of the operation of the County's Planning and Community Development Department to examine the efficiency and effectiveness of the current programs with an emphasis on evaluating the organization of functions and improving customer services. He reviews the analysis, recommendations, actions and positive findings.

Planning Director Bill Nicholson comments on the comprehensive study recognizing the vacate positions in the office and states a plan of action will be coming back to the Board in response to the review. He also requests a modification date of 45 days rather than 30 days to report back to the Board.

Supervisor Kelsey requests prioritization in code enforcement.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board accepts the Final Report on the Operational and Permitting Audit from Zucker Systems, the Planning and Community Development Director, as recommended and in coordination with the County Administrative Officer, return to the Board within 45 days with an Implementation Plan, which includes a timetable, work program, cost estimates and methods of funding with a Letter of Commendation to be presented to Zucker Systems for their efforts.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

10:30 A.M. SCHEDULED ITEM
2001-07-31 PLANNING – PUBLIC HEARING

The time and date previously set to consider the Consultant and Staff Proposals for the Community Planning Chapter of the County General Plan and prepare Community Plan updates for Delhi and Planada as submitted by the Planning and Community Development Department.

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

Planning Director Bill Nicholson reviews the Staff Report and the recommendations.

Upon motion of Supervisor Kelsey, seconded by Supervisor Rivero, duly carried, the Board approves the Revised Scope of Services and authorizes the Chairman to sign Contract No. 2001163 with RRM Design Group to complete the Community Planning Chapter of the County General Plan and Community Plan updates for Delhi and Planada, including an EIR for Delhi; and authorizes an additional \$61,560 to the \$300,000 budgeted in FY 2000/2001 for this effort to provide specific, detailed Community Character and Design Guidelines for the two communities as appendices to their Plans and to provide more detailed traffic studies and recommendations requested by Public Works (the additional funding would come from the FY 2001/2002 appropriation).

Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion

ACTION ITEM NO. 43
2001-07-31 BOARD OF SUPERVISORS

The Chairman states a revised Resolution has been submitted for Board consideration regarding supporting the policy statement for Farmland Conservation Easements funded through the Agricultural Transaction Program of the Great Valley Center.

Planning Director Bill Nicholson states this policy does not apply to mitigations and only applies to voluntary easements coming through Great Valley Center.

Upon motion of Supervisor Rivero, seconded by Supervisor Kelsey, duly carried, the Board supports the use of the "*Policy Statement for Farmland Conservation Easements Funded through the Agricultural Transaction Program of the Great Valley Center in Merced County*" and adopts Resolution No. 2001-147.

Ayes: Cortez Keene, Crookham, Rivero, Kelsey, O'Banion