



**MERCED COUNTY  
BOARD OF SUPERVISORS**

**SUMMARY ACTION MINUTES**

Regular Meeting  
TUESDAY, AUGUST 28, 2001  
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

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**

9:00 A. M.

**CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:** It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9: One Case

**CLOSED SESSION:** It is the intention of the Board to meet in Closed Session pursuant to Subdivision (e) of Section 54957:

PUBLIC EMPLOYEE APPOINTMENT

Title: County Administrator

**THE BOARD RECONVENED AT 10:00 A.M. AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF**

10:00 A. M.

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**Bishop Greg Wellman - Church of Jesus Christ of Latter Day Saints,  
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)**

**UC MERCED PROJECT - Liaison Report  
RECEIVED REPORT FROM UC LIAISON KATHLEEN CROOKHAM**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 – 16)  
PULLED ITEMS NO. 9 AND 12 FOR SEPARATE DISCUSSION  
APPROVED AS RECOMMENDED AYES: ALL**

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

10:30 A. M.

**SHERIFF – PUBLIC HEARING – PROPOSED ORDINANCE, POSSIBLE ADOPTION**

To consider An Ordinance to Establish a New Fee Schedule for Services Performed by the Sheriff's Department (Amends Ordinance No. 1309)

**REVIEW BOARD ORDER – SEE PAGE 7**

**APPROVED AND ADOPTED ORDINANCE NO. 1663 AYES: ALL**

**BUSINESS-ECONOMIC OPPORTUNITIES – PUBLIC HEARING - PROPOSED ORDINANCE, POSSIBLE ADOPTION**

To consider An Ordinance Establishing Charges for Use of Telecommunications Infrastructure at Castle Airport and Aviation Development Center

**REVIEW BOARD ORDER – SEE PAGE 8**

**APPROVED AND ADOPTED ORDINANCE NO. 1664 AYES: ALL**

**BUSINESS-ECONOMIC OPPORTUNITIES – PUBLIC HEARING - PROPOSED ORDINANCE, POSSIBLE ADOPTION**

To consider An Ordinance to Establish Fees for Assisting Businesses in Accessing Employment Training Panel Funds

**REVIEW BOARD ORDER – SEE PAGE 8**

**APPROVED AND ADOPTED ORDINANCE NO. 1665 AYES: ALL**

10:30 A. M.            **REPORTS/BOARD DIRECTION**  
County Administrator  
County Counsel  
County Auditor  
Board of Supervisors Members

**LUNCH BREAK**

1:30 P. M.            **FINAL BUDGET HEARINGS SESSION**  
**\*\* SEE FINAL BUDGET HEARINGS AGENDA \*\***  
*The Board will meet on a day to day basis until completed. Time schedules are estimates and may vary according to durations of individual policy discussion*

**CONSENT CALENDAR (Items #1 - 16)**  
**APPROVED AS RECOMMENDED    AYES: ALL**

Travel Request

1. Approve Travel Request submitted by Public Works and recommended by Administration.

Public Works

2. Authorize Valve Burners Car Club of Merced to use Lake Yosemite Park Facilities for Annual Car Show on September 16, 2001 subject to the following conditions: Waive the restriction on use of amplified sound equipment; Waive the Vehicle Park Fee for participants and individuals attending the show; Authorize the Car Club to charge an Admission Fee; Authorize the Car Club to operate concessions; and, Require the Car Club to provide the County of Merced with a Certificate of Insurance for comprehensive general liability, naming the County of Merced as an additional insured, in the amount required by County Risk Management.
3. Waive restriction on use of amplified sound equipment for the Merced-Mariposa Central Labor Council Annual Labor Day Picnic on September 3, 2001 at Lake Yosemite Park-Veterans Cove Picnic Shelter from 10:00 a.m. – 3:00 p.m.
4. Approve plans and specifications for Construction of an Asphalt Concrete Overlay on Santa Fe Drive, Winton Way, Atwater Blvd., Childs Avenue and Hereford Road with information to come back to the Board on the bid results and award of contract.
5. Approve plans and specifications for the Construction of the Delhi Storm Drainage Project with information to come back to the Board on the bid results and award of contract.

Health

6. Approve and authorize Chairman to sign Renewal Contract No. 200121 with VIA Adventures, Inc. for services in conjunction with the “Going Places” Project.

Probation

7. Approve and authorize Chairman to sign Renewal Contract No. 5700 with Jimmy and Virginia Ford for Crisis Home services on a short term basis to in-county runaway/out-of-control youth.

Human Services Agency

8. Approve and authorize Chairman to sign Renewal Contract No. 2000182 with County Counsel for provision of Legal Services.
9. Approve and authorize Chairman to sign Renewal Contract No. 9473 with Public Works for provision of transportation for General Assistance clients via "The Bus".

**PULLED FOR SEPARATE DISCUSSION**

**APPROVED AS RECOMMENDED AYES: ALL**

10. Approve and authorize Chairman to sign Amendment to Contract No. 7239 with Private Industry Training Department for funding of Program Coordinator of the Building Trades Program an additional six months.
11. Approve and authorize Chairman to sign Amendment to Contract No. 200183 with Merced County Office of Education to provide vocational training and related paid work experience to eligible youth.

Private Industry Training Department

12. Approve and authorize Chairman to sign Amendment to Contract No. 200111 with Merced College for Independent Living Skills for former foster children, age 18-25 through the Independent Living Program.

**PULLED FOR SEPARATE DISCUSSION**

**APPROVED AS RECOMMENDED AYES: ALL**

13. Approve Consent of Assignment and Transfer of Agreement for Municipal Finance Consulting Services with Kelling, Northcross & Nobriga understanding all provision of the original agreement and amendments with Leifer Capital remain in force.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 10208**

Board Recognition

14. Authorize presentation of plaque to Rozene Lane in celebration of her 80<sup>th</sup> Birthday.
15. Authorize Certificate of Recognition in celebration of the North Merced Women's Health Center of Golden Valley Health Center.
16. Authorize Certificate of Recognition to Erin Shaw upon her selection as Miss Merced County for 2001.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

17. Contract with Rental King to operate a Jet Ski Concession at Lake Yosemite Park.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001190 AYES: ALL**

PUBLIC WORKS-CASTLE

18. Authorize Public Works to circulate Request for Proposals for Castle Airport Buildings #871, #1560 and #1529 including the participation of qualified Real Estate Brokers and authorize Public Works to accept and review RFP's and return to the Board with a recommendation.

**REVIEW BOARD ORDER – SEE PAGE 7**

**MODIFIED ACTION TO AUTHORIZE REQUEST FOR PROPOSAL (RFP) FOR BUILDING #871 WITH REQUEST FOR RFP FOR BUILDINGS #1529 AND 1560 TO COME BACK TO THE BOARD AT A LATER DATE                      AYES: ALL**

PUBLIC WORKS/BUSINESS-ECONOMIC OPPORTUNITIES

19. Approve PacBell-Merced County Irrevocable Right to Use Agreement – Castle, for the installation of fiber optic services to Castle under the Economic Development Administration Grant at a point of connection approximately 800 feet from the entry point of Buhach and Santa Fe Roads.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001191                      AYES: ALL**

PROBATION

20. Contract with Merced Police Department to provide one Police Officer to the Correcting Offender Outcomes Locally (COOL) Program.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001192                      AYES: ALL**

21. Contract with Los Banos Police Department to provide one Police Officer to the Correcting Offender Outcomes Locally (COOL) Program.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001193                      AYES: ALL**

MENTAL HEALTH

22. Authorize development of Request for Proposal (RFP) for Laundry Service for Marie Green Psychiatric Health Facility and authorize General Services to execute and sign Contract subject to concurrence of County Counsel.

**APPROVED AS RECOMMENDED                      AYES: ALL**

23. Oppose Senate Bill 537 (Vasconcellos) which would create within the Dept. of Consumer Affairs the California Board of Alcohol and Drug Abuse Counselors which would provide for the registration and licensure of persons who render for compensation alcohol and other drug dependency counseling services, authorize Chairman to forward letter to appropriate legislative representatives and authorize the Advisory Board on Alcohol and Other Drug Problems Committee to actively oppose this legislation.

**APPROVED AS RECOMMENDED                      AYES: ALL**

BOARD OF SUPERVISORS

- 23a. Adopt Resolution recommending disapproval of the Bay Area 2001 Ozone Attainment Plan Unless It Mitigates Downwind Pollution Transport.

**APPROVED AND ADOPTED RESOLUTION NO. 2001-157                      AYES: ALL**

APPOINTMENTS

24. Board of Supervisors re: Committees/Commissions and Board Recommendations.  
Winton Municipal Advisory Council

**REAPPOINT RUBEN WEBB, MARILYN COBURN AND ROBIN BLAKE TO SERVE AS MEMBERS OF THE WINTON MUNICIPAL ADVISORY COUNCIL UNTIL MARCH 31, 2005 AYES: ALL**

BOARD INFORMATION AND POSSIBLE ACTION

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

25. Sheriff re: Annual Financial Reporting requirement – Inmate Welfare Trust Fund.
26. City of Merced re: 2002 Dr. Martin Luther King Jr. Celebration.
27. San Joaquin Valley Unified Air Pollution Control District re: Notices of Public Workshop on Proposed Amendments to Rules and Regulations.
28. U.S. Dept. of Interior re: Notice of the Re-opening of the Comment Period for the Sacramento Splittail.
29. State Water Resources Control Board re: Notice of Petition for Temporary Change involving the transfer of up to 25,000 acre-feet of water to the CALFED Environmental Water Account under Merced Irrigation District's License 11395 (Application 16186). (copy forwarded by MID)
30. Calif. Dept. of Child Support Services re: Manual of Policies & Procedures Update to incorporate changes from the Program Administration and Complaint Resolution Emergency Rulemaking No. R-1-01-E dated 8/15/2001 and Ombudsperson, Complaint Resolution and State Hearing Process Information Binder dated 8/16/2001.
31. Calif. State Board of Equalization re: Orange County Assessment Practices Survey. (On file with Clerk)

**ADJOURNED MEETING IN MEMORY OF VANCE EDMONDSON, ISABELLE HANSON AND JOANNA PETERS UNTIL TUESDAY, SEPTEMBER 11, 2001 AT 10:00 A.M.**

## BOARD ORDERS – SUMMARY ACTION MINUTES – AUGUST 28, 2001

### **ACTION ITEM NO. 18**

#### **2001-08-28 PUBLIC WORKS-CASTLE**

Public Works Director Paul Fillebrown clarifies the request before the Board and changes the recommendation to authorize Public Works to proceed with the Request for Proposal for Building #871, Gym Building, and to come back to the Board at a later date to request the Request for Proposal for Buildings No. 1529 and 1560.

Upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried, the Board authorizes Public Works to circulate Request for Proposals for Castle Airport Building #871 (Gym) including the participation of qualified Real Estate Brokers, understanding Castle Airport Buildings #1560 and #1529 will come back to the Board at a later date with the request to circulate the Request for Proposals.

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

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

#### **2001-08-28 SHERIFF – PUBLIC HEARING**

The time and date previously set for a Public Hearing to consider An Ordinance to Establish a New Fee Schedule for Services Performed for the Public by the Sheriff's Department (amends Ordinance No. 1309) as submitted by the Sheriff Department.

Sheriff Gary Carlson reviews the Staff Report and advises the proposed increase fees are ten years in arrears based upon the Auditor's Department review.

Assistant Sheriff Hank Strength states a charge is levied for requested Dives by other entites or when Mutual Aid Agreements exist.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor Rivero, duly carried, the Board approves the request that a portion of revenues received over and above past fiscal years for performing these services support additional administrative support personnel at the Sheriff Department that fulfill public services that are requested by this ordinance, waives further reading of proposed Ordinance and adopts Ordinance No. 1663 An Ordinance to Establish a New Fee Schedule for Services Performed for the Public by the Sheriff's Department (Amends Ordinance No. 1309).

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

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

**2001-08-28 BUSINESS-ECONOMIC OPPORTUNITIES – PUBLIC HEARING**

The time and date previously set for a Public Hearing to consider An Ordinance establishing Charges for Use of Telecommunications Infrastructure at Castle Airport and Aviation Development Center as submitted by Business-Economic Opportunities Department.

Business-Economic Opportunities Director John Fowler reviews the Staff Report.

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

Upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried, the Board establishes fees for the use of new fiber optic lines, conduit, and new upgraded cooper lines and telecommunications services at Castle Airport; waives further reading and adopts Ordinance No. 1664 An Ordinance Establishing Charges for Use of Telecommunications Infrastructure at Castle Airport and Aviation Development Center.

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

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

**2001-08-28 BUSINESS-ECONOMIC OPPORTUNITIES – PUBLIC HEARING**

The time and date previously set for a Public Hearing to consider An Ordinance Establishing Fees Provided to Merced County Business to Access State of California Employment Training Panel Funds for Training and Retraining of Workers as submitted by Business-Economic Development Department.

Business-Economic Opportunities Director John Fowler reviews the Staff Report.

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

Upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried, the Board waives further reading and adopts Ordinance No. 1665 An Ordinance Establishing Fees for Services Provided to Merced County Businesses to Access State of California Employment Training Panel Funds for Training and Retraining of Workers.

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