



SUMMARY ACTION MINUTES

MERCED COUNTY BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, JANUARY 08, 2002
Regular Meeting – 10:00 a.m.

MERCED COUNTY
ADMINISTRATION BUILDING
2222 "M" STREET
BOARD ROOM, THIRD FLOOR
MERCED, CALIFORNIA 95340
(209) 385-7366

DEMITRIOS O. TATUM
COUNTY ADMINISTRATIVE OFFICER

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

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

10:00 A. M.

PLEDGE OF ALLEGIANCE

INVOCATION

Fred Alexander, Faith and Action Project for Merced County

BOARD PRESENTATION

**2001 in Review - Goals and Accomplishments presented by
Chairman Cortez Keene**

10:00 A. M.

REORGANIZATION OF THE BOARD

Supervisor Rivero is nominated and selected as 2002 Chairman of the Board and Supervisor Crookham is nominated and selected as 2002 Vice-Chairman of the Board

10:00 A. M.

PRESENTATION

A Woman's Place - Recognition of Bill Davidson

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)

The following speak: Denard Davis, Bryant Owens and Mr. Sahota

UC MERCED PROJECT - LIAISON REPORT

RECEIVED REPORT FROM UC LIAISON KATHLEEN CROOKHAM

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Health-\$58,850

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Item # 1 - 27)

APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

ADDED AGENDA ITEM:

REVIEW BOARD ORDER – SEE PAGE 9

THE BOARD FINDS THE NEED, SUBSEQUENT TO THE POSTING OF THE AGENDA, TO APPOINT INDIVIDUALS TO THE FOLLOWING COMMITTEES/COMMISSIONS: LE GRAND MUNICIPAL ADVISORY COUNCIL, MILLIKEN MUSEUM ADVISORY COMMITTEE AND SNELLING COMMUNITY SERVICES DISTRICT AYES: ALL

10:30 A. M.

ADMINISTRATION - PROPOSED ORDINANCE - SECOND READING AND POSSIBLE ADOPTION

An Ordinance pertaining to the County Administrative Office, County Administrator and the Duties, Responsibilities, Authority and Qualifications Thereof (Amends Ordinance Nos. 318, 348 and 867)

REVIEW BOARD ORDER – SEE PAGE 10

ADOPTED ORDINANCE NO. 1671 AYES: ALL

PUBLIC WORKS - PUBLIC HEARING

Resolution of Intent to consider Road Name Change, changing the name of Elva Road to Andrews Road in the Dos Palos area

REVIEW BOARD ORDER – SEE PAGE 10

ADOPTED RESOLUTION NO. 2002-05 AYES: ALL

10:30 A. M.

MENTAL HEALTH - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider amending an Ordinance setting the Fee Schedule for Mental Health Services performed by the Merced County Mental Health Department

REVIEW BOARD ORDER – SEE PAGE 10 and 11
ADOPTED ORDINANCE NO. 1672 AYES: ALL

REPORTS/BOARD DIRECTION

County Administrator
County Counsel
County Auditor
Board of Supervisors Members

LUNCH BREAK

CONSENT CALENDAR (Items # 1 - 27)

APPROVED AS RECOMMENDED AYES: ALL

Travel Request

1. Approve Travel Request submitted by Public Defender as recommended by Administration.

Board Recognition

2. Authorize plaque presentation to Lonnie Hendricks for 41 years of service to the Community of Merced.
3. Authorize Certificates of Recognition to the 2001 Award Winners selected by the Merced County Association of Realtors.

REVIEW BOARD ORDER – SEE PAGE 11

4. Authorize presentation of plaque to Ken and Midge Riggs in celebration of 65th Anniversary.

Public Works

5. Adopt Resolution annexing the Almond Crest Estates Subdivision into the Wickum Estates Lighting and Drainage Maintenance Zone of Benefit No. 233 in County Service Area Number One.

ADOPTED RESOLUTION NO. 2002-01

6. Accept the Final Map for Almond Crest Estates, Subdivision No. 00006, in the Atwater Area.
7. Adopt Resolution authorizing installation of Stop Sign on Station Avenue at its intersection with Elliott Avenue in Atwater area.

ADOPTED RESOLUTION NO. 2002-02

8. Approve plans and specifications for Re-roofing of Atwater and Livingston Library, Dos Palos Veterans Building and Public Works-Professional Services Division Modular Building "B" for a total project budget of \$86,634 and authorize Public Works to conduct bidding process and authorize Chair to sign Contract providing bids are received within estimated budget and subject to review of Counsel.

9. Approve and authorize Chairman to sign Amendment to Contract No. 9532 with Merced Monument Company to modify terms, conditions and increase rent on property purchased from the Southern Pacific Railroad.
10. Approve and authorize Chairman to sign Contract accepting Right-of-Way and Deed with Beulah Douglas, Trustee for acquisition of the land necessary to construct the relocated Oakdale Road Bridge over the Merced River.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200201 AND ADOPTED RESOLUTION NO. 2002-03

11. Adopt Resolution of Appreciation for Willie People for his past 35 years and three months of service with the Merced County Department of Public Works and citizens of Merced County.

Human Services Agency

12. Contract with Private Industry Training Department for Building Trades Pre-Apprentice Orientation Program for CalWORKs Employment and Training participants.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200206

13. Authorize Overhire of one Social Worker III (Position #314) for a Limited Term Period of six months.
14. Approve and authorize Chairman to sign Amendment to Contract No. 2000126 with Private Industry Training Department in the amount of \$437,067 for the period of May 14, 2001 through March 31, 2002 for the Summer Youth Opportunity Program.
15. Approve and authorize Chairman to sign Amendment to Contract No. 99255 with the Atwater Elementary School District-Bellevue Elementary School students for a Social Worker to conduct assessments as part of the Healthy Start Program.
16. Authorize Overhire of one Staff Services Analyst II (Position #273) for a Limited Term of six weeks.

Private Industry Training Department

17. Approve and authorize Director of Private Industry Training Department to sign Contract No. 9673 with State of California Employment Development Department for Labor Market Information Survey for the period of January 1, 2002 through January 31, 2003.

Fire

18. Approve and authorize Fire Chief to sign Contract No. 7291 with Merced Community College District for Fire Fighting training.

Spring Fair

19. Authorize General Services to receive proposals for sound services for the next three years to be provided during the annual fair.

Ag. Commissioner

20. Approve and authorize Chairman to sign extension of Contract No. 2001106 with the California Department of Food and Agricultural for the Northern San Joaquin Valley Weed Management Area Integrated Weed Management Plan for Merced County.

Mental Health

- 21. Approve and authorize Chairman to sign Contract No. 2000207 with Merced Drug for pharmacy services for the period July 1, 2001 through June 30, 2002 and approve the necessary budget transfer.

Community Action Agency

- 22. Adopt Resolution authorizing CAB Chair to sign Contract with State Dept. of Community Services and Development for Community Services Block Grant Funding.
ADOPTED RESOLUTION NO. 2002-04
- 23. Approve and authorize CAB Chair to sign Amendment to Contract with State Dept. of Community Services and Development for Low-Income Home Energy Assistance Program (LIHEAP) Program for extension of term to 12/31/2002.
- 24. Approve and authorize CAB Chair to sign Amendment to Contract with State Dept. of Community Services and Development for Low-Income Home Energy Assistance Program (LIHEAP) extending the term to 3/31/2002.
- 25. Approve and authorize CAB Chair to sign Amendment to Contract with Madera County Community Action Agency for subcontract of Low-Income Home Energy Assistance Program (LIHEAP) for additional funds of \$66,552 and extending the term through 11/30/2001.
- 26. Approve and authorize CAB Chair to sign Contract with State Dept. of Education for State Preschool Funding increase to \$155,620.
- 27. Place CAA Information, Staff and Committee Reports on file.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

- 28. Review and approve Public Facilities Impact Fees 2000/2001 Annual Report per Section 66001(d) and 66006 of the Government Code Reporting Requirements.
APPROVED RECOMMENDATION AYES: ALL
- 28a. Resolution authorizing Contract with California State Lands Commission for land required for the construction of a Two-Lane, Three Span, Box Girder, Reinforced Concrete Bridge and Realign Oakdale Road to the new Bridge, Refurbish the existing Historical Bridge (Shaffer Bridge) and remove the remainder of an Old Railroad Trestle just north of the existing Bridge.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200202 AND ADOPTED RESOLUTION NO. 2002-06 AYES: ALL
- 28b. Authorize disbursement of \$4,000 from Special Board Project Funds-District 3 to D & D Associates Management Consultants to provide facilitation and training for the Beachwood-Franklin Municipal Advisory Committee and approve necessary budget transfer. (#036)
APPROVED RECOMMENDATION AYES: ALL

PUBLIC WORKS-CASTLE

29. Addendum to Contract with Castle Knights Aviation, Inc. for Fixed Base Operator Lease and Operating Sublease for Castle Building Nos. 1340 and 1353.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200207 AYES: ALL
30. Sublease Contract with Castro Electric for Castle Building No. 855.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200208 AYES: ALL
31. Sublease Contract with Bruce Hoagland d.b.a. Techland Testing for Castle Building No. 1548.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200209 AYES: ALL

PLANNING

32. Request for Full Reconveyance of Trust Deed for Community Development Block Grant (CDBG) Deferred Payment Loan provided to Colleen Trieweiler and cancel the Loan Agreement.
APPROVED RECOMMENDATION AYES: ALL
33. Request for Full Reconveyance of Trust Deed for Community Development Block Grant (CDBG) Deferred Payment Loan provided to Manuel/Gregoria Chavez and cancel the Loan Agreement.
APPROVED RECOMMENDATION AYES: ALL
34. Approve and authorize Planning and Community Development Director to sign Subordination Agreement with Ylica Perez in connection with Subordination Deed of Trust, dated December 19th, 1989.
APPROVED RECOMMENDATION AYES: ALL

TREASURER

35. Accept the Merced County Investment Policy 2002 and Quarterly Report.
REVIEW BOARD ORDER – SEE PAGE 11
APPROVED RECOMMENDATION AYES: ALL
36. Accept Annual Treasury Oversight Audit performed by Moss Adams, LLP.
APPROVED RECOMMENDATION AYES: ALL

AG. COMMISSIONER

37. Modification to the minimum qualifications and amendments to job specifications for Extra Help License Compliance Officer.
APPROVED RECOMMENDATION AYES: ALL

BUSINESS-ECONOMIC OPPORTUNITIES

38. Approve the Foreign Trade Zone No. 226 Tariff Schedule Adjustments.
APPROVED RECOMMENDATION AYES: ALL
39. Approve the minor boundary modifications to the Central San Joaquin Valley Foreign Trade Zone No. 226 of The Allen Group and City of Fresno and the transfer of withdrawn acreage (197.69 acres) to Visalia in order to complete the minor boundary modification requirement for submission to the U.S. Foreign Trade Zone Board.
APPROVED RECOMMENDATION AYES: ALL

- 39a. Resolution approving the withdrawal of 20 acres from Foreign Trade Zone 226 Site 1A and authorize the 20 acres to be used to accommodate a pending application for a minor boundary modification in Visalia.

ADOPTED RESOLUTION NO. 2002-07 AND APPROVED AS RECOMMENDED
AYES: ALL

MENTAL HEALTH

40. Resolution authorizing Director of Mental Health to sign FY 2001 Juvenile Drug Court Grant Program.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200203 AND ADOPTED
RESOLUTION NO. 2002-08 AYES: ALL

- 40a. Resolution authorizing approval of Implementation of the Substance Abuse Treatment and Testing Accountability (SATTA) Program.

ADOPTED RESOLUTION NO. 2002-09 AND APPROVED AS RECOMMENDED
AYES: ALL

41. Contract with Dr. Alisha Dunn M.D. for Psychiatrist Services FY 01/02 and amend Salary Allocation Resolution for Position Number 183 from \$80.00 to \$83.00 per hour.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200204 AND ADOPTED
RESOLUTION NO. 2002-10 AYES: ALL

HEALTH

42. Contract with State Department of Health Services for the California Health Care for the Indigent Program (CHIP) for FY 01-02.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200205 AYES: ALL

SHERIFF

43. Authorize the Sheriff to submit and process the 2002 State Criminal Alien Assistance Program (SCAAP).

APPROVED RECOMMENDATION AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

44. San Joaquin Valley Air Pollution Control District re: Request for Support for a continued level of funding from the State of California for assistance to local air pollution control districts.
45. California State Assoc. of Counties re: Annual Report 2001. (On file with Clerk)
46. National Association of Counties re: Invitation to apply for the opportunity to participate in a very special program directed at counties in the rural west that are experiencing rapid growth called the Western Community Stewardship Forum.
47. University of California re: Transportation Research at the University of California - Fall 2001. (On file with Clerk)
48. University of California re: University of California's 2000-2001 Annual Financial Report. (On file with Clerk)

49. California Historical Society re: First Edition Copy of Courthouses in California: An Illustrated History. (On file with Clerk)
50. State Dept. of Water Resources re: Notice of availability of the Public Review Draft of California's Groundwater - Update 2002.
51. State Board of Corrections re: Change in Meeting locations for Sacramento JJCPA Briefing and additional JJCPA Information.
52. California Dept. of Youth Authority re: Notice of Proposed Rulemaking pertaining to Voluntary Psychotropic Medication to Minors as an emergency action.
53. Calif. Dept. of Alcoholic Beverage Control re: Implementation of changes to regulatory responsibilities as mandated.
54. Calif. State Library re: Final Mailing to the Rulemaking Mailing List.
55. Calif. State Library re: Final (codified) Title 5 and Title 24 Regulations. (On file with Clerk)
56. State Board of Equalization re: Property Taxpayers' Bill of Rights Annual Report for 2000-2001. (On file with Clerk)
57. State Board of Equalization re: Madera and Lake County Assessment Practices Survey - November 2001. (On file with Clerk)
58. State Board of Equalization re: Notice to publish proposed property tax rule to clarify that disaster relief provisions apply to September 11 events.
59. State Dept. of Water Resources re: Notice of release of a Public Review Draft of California's Groundwater - Update 2002.
60. Public Works re: Notification of Contract Award to All Starr Fencing for Five Strand Barbed Wire Fence at Highway 59 Landfill.
AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2001232
61. Public Works re: Notification of Contract Award to Gowan Construction, Inc. for Re-roofing of the Main Library.
AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2001239
62. General Services re: Site Lease with Cricket Communications.
63. Mental Health re: Membership Recruitment for the Merced County Advisory Board on Alcohol and other Drug Problems.

ADOPTED RESOLUTION AND ADJOURNED THE MEETING IN MEMORY OF DENNIS TATUM UNTIL JANUARY 15, 2002 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JANUARY 8, 2002

10:00 A. M. ADDED AGENDA ITEM

2002-01-08 LE GRAND MUNICIPAL ADVISORY COUNCIL

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board finds a need arose, subsequent to the posting of the agenda, to consider appointments to the Le Grand Municipal Advisory Council.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board reappoints Vicki Ramirez to serve as a member of the Le Grand Municipal Advisory Council until December 7, 2004.

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

10:00 A. M. ADDED AGENDA ITEM

2002-01-08 MILLIKEN MUSEUM ADVISORY COMMITTEE

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board finds a need arose, subsequent to the posting of the agenda, to consider appointments to the Milliken Museum Advisory Committee.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board makes the following appointments to the Milliken Museum Advisory Committee:

reappoints June Erreca and Henry Mello to serve as Society Representatives until March 10, 2006;

appoints Alveda Parreira to serve as Society Representative until March 10, 2006;

appoints Beverly DeParsia to serve as Society Representative until March 10, 2004

and appoints Dan Nelson to serve as Member-At-Large until March 10, 2004.

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

10:00 A. M. ADDED AGENDA ITEM

2002-01-08 SNELLING COMMUNITY SERVICES DISTRICT

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board finds a need arose, subsequent to the posting of the agenda, to consider appointments to the Snelling Community Services District.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board reappoints Nadine Nauman, in lieu of election, to serve as a Director of the Snelling Community Service District until December 5, 2005.

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

10:30 A. M. SCHEDULED ITEM

2002-01-08 ADMINISTRATION – ORDINANCE NO. 1671 ADOPTED

The time and date previously set for the Second Reading and possible adoption to consider modifications to an Ordinance pertaining to the Office of County Administration to develop an Executive Staff (Amending Chapter 2.08 of the Merced County Code and supercedes Ordinance Nos. 318, 348, 867, 1138 and 1507) submitted by the Administration Department.

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

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board waives further reading of proposed ordinance and adopts Ordinance No. 1671 – An Ordinance pertaining to the Office of County Administration (Development of Executive Staff).
Ayes: Rivero, Cortez Keene, Crookham, Kelsey, O'Banion

10:30 A. M. SCHEDULED ITEM

2002-01-08 PUBLIC WORKS - PUBLIC HEARING

The time and date previously set for a Public Hearing to consider a Resolution Changing the Road Name of Elva Road to Andrews Road in the Dos Palos area submitted by Public Works.

Public Works Director Paul Fillebrown reviews the Staff Report advising the Road Name Change Application was received from Mr. Andrews and is requesting to change a section of county road in an east/west direction that is approximately one half (1/2) mile in length and exists between Esther Avenue and Palm Avenue, respectively and is located approximately 1 ½ miles south of State Route 152 in the Dos Palos area.

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

Upon motion of Supervisor Cortez Keene, seconded by Supervisor O'Banion, duly carried, the Board approves changing the name of Elva Road to Andrews Road in the Dos Palos area and adopts Resolution No. 2002-05.
Ayes: Rivero, Cortez Keene, Crookham, Kelsey, O'Banion

10:30 A. M. SCHEDULED ITEM

2002-01-08 MENTAL HEALTH- PUBLIC HEARING

The time and date previously set for a Public Hearing to consider amending an Ordinance setting the Fee Schedule for services performed by the Merced County Mental Health Department (Amends Ordinance No. 1653 and County Code Chapter 9.48) submitted by Mental Health.

Mental Health Director Troy Fox reviews the Staff Report and recommends the Board adopt the Ordinance known as Fees for Mental Health Services.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board waives further reading and adopts Ordinance No. 1672 An Ordinance Changing Fees set for Mental Health Services performed by the Merced County Mental Health Department.

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

CONSENT ITEM NO. 3

2002-01-08 BOARD OF SUPERVISORS

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board authorizes Certificates of Recognition to the following individuals selected by the Merced County Association of Realtors for the Year 2001: Geneva Brett, 2001 President's Award; Bill Del Nero, Posthumous Award/2001 Lifetime Achievement Award; Raymond Rodriguez, 2001 President; Robin Blake, 2001 Realtor of the Year; Charles E. White, 2001 Realtor of the Year; Kent Sandhagen, 2001 President's Award; Bob Calvino, 2001 Jesse Fees Memorial and Ed Walters, 2001 Affiliate of the Year.

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

ACTION ITEM NO. 35

2002-01-08 TREASURER

Bill Smith, Treasurer-Tax Collector, distributes Page Nine replacement entitled "Investment of Funds" of the Merced County Investment Policy 2002.

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board accepts the Quarterly Investment Report and the 2002 Investment Policy.

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