



# SUMMARY ACTION MINUTES

## MERCED COUNTY BOARD OF SUPERVISORS

Regular Meeting

**TUESDAY, JANUARY 15, 2002**

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

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

DEMITRIOS O. TATUM  
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 LABOR NEGOTIATOR:** It is the intention of the Board to meet in Closed Session pursuant to Subdivision (e) of Section 54957.8 concerning a Conference with County of Merced Staff negotiators concerning negotiations with American Federation of State, County and Municipal Employees (AFSCME), Unit 8; Merced County Sheriff Employee Association (MCSEA), Unit 2 and Merced County Law Enforcement Sergeants, Unit P

**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 – Bill Ruth, Our Redeemer Church-Livingston**

**PRESENTATIONS**

Recognition of Don Stowell Elementary School and Livingston High School for outstanding academic achievement - High Poverty and High Minority campuses

**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: Bryant Owens and Tina Johns**

**UC MERCED PROJECT - LIAISON REPORT**

**RECEIVED REPORT FROM UC LIAISON KATHLEEN CROOKHAM**

**STATUS REPORT - Eastern Merced County Natural Communities Conservation Plan**

**REVIEW BOARD ORDER – SEE PAGE 6**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) Sheriff-\$5,725

**APPROVED AS RECOMMENDED                      AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items # 1 – 7)

**APPROVED AS RECOMMENDED                      AYES: ALL**

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

**REPORTS/BOARD DIRECTION**

County Administrator  
County Counsel  
County Auditor  
Board of Supervisors Members

**LUNCH BREAK**

CONSENT CALENDAR (Items # 1 - 7)

**APPROVED AS RECOMMENDED                      AYES: ALL**

Budget Transfer

1. Approve Budget Transfer submitted by Health-\$8,000 as recommended by Administration.

Public Works

2. Set Public Hearing for February 26, 2002 at 10:30 a.m. to consider a Resolution to Terminate Maintenance on a portion of Bailey Avenue that lies east of and Intersects with Applegate Road near the Community of Atwater.

**ADOPTED RESOLUTION NO. 2002 -11**

District Attorney

3. Approve and authorize Chairman to sign Renewal Contract No. 99001 with Information Systems for Child Support Program operation costs.

Ag. Commissioner

4. Approve and authorize Chairman to sign Renewal Contract No. 8306 with Calif. Dept. of Food and Agriculture for Pink Bollworm Cotton Plowdown and Host-Free Period Monitoring Program.

Private Industry Training Department

5. Approve and authorize Chairman to sign Renewal Contract No. 2000160 with Merced College for supportive services to Workforce Investment Act participants.
6. Approve and authorize Chairman to sign Amendment to Contract No. 200146 with Arbor, Inc. for Employment and Training Services to the Older Youth (ages 19-21) of Merced County.

Human Services Agency

7. Approve and authorize Chairman to sign Renewal Contract No. 7174 with Merced College for excess costs for services to CalWORKs Employment and Training participants.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

8. Authorize Stipulation for Judgment in Condemnation and for Final Order regarding the acquisition of property for the expansion of the existing Highway 59 North Landfill from Cheng-Sung Kuo and Lee Mei-Lan Kuo.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200210 AYES: ALL**

HEALTH

9. Authorize Release of Request for Proposal (RFP) to retain the services of an Emergency Medical Services Consultant for the preparation of a complete and comprehensive RFP process to select a single ground ambulance provider for Merced County.

**APPROVED AS RECOMMENDED AYES: ALL**

10. Consider possible options for the administrative arrangement of the Children and Families Commission and select a preferred structure; direct staff to prepare revision, if needed, to the County Ordinance which established the Children and Families Commission.

**REVIEW BOARD ORDER – SEE PAGE 6 AND 7**

**CONTINUED TO BOARD MEETING OF FEBRUARY 5, 2002**

AG. COMMISSIONER

11. Contract for Animal Shelter Services with Dr. J. Kendall Harding, D.V.M. for Independent Contract Veterinarian for Animal Shelter.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200211      AYES: ALL**

MENTAL HEALTH

12. Contract with Human Services Agency and Probation establishing the Guidelines to facilitate and coordinate community-based placements for At-Risk Children and Youth.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200212      AYES: ALL**

13. Contract with Superior Court, District Attorney, Probation, Public Defender, Human Services Agency and Merced County Office of Education for Operation of Merced County Juvenile Drug Treatment Court Program.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200213      AYES: ALL**

HUMAN SERVICES AGENCY

14. Destruction of Public Guardian/Conservator/Administrator Records currently stored at the Grogan Site.

**APPROVED AS RECOMMENDED      AYES: ALL**

SPRING FAIR-LOS BANOS

15. Award of Contract to Butler Amusements for Carnival Services for Spring Fair for Period 2002 through 2006.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200214      AYES: ALL**

ADMINISTRATION

16. Authorize release of Request for Proposal for development and implementation of a performance compensation program.

**APPROVED AS RECOMMENDED      AYES: 1, 3, 4, 5      NOT PRESENT: 2**

17. Authorize Extension of Contract No. 2000120 with Acclamation Insurance Management Services (AIMS) for Workers' Compensation Program Third Party Administration to no later than March 31, 2002.

**APPROVED AS RECOMMENDED      AYES: 1, 3, 4, 5      NOT PRESENT: 2**

BUSINESS-ECONOMIC OPPORTUNITIES

18. Authorize submittal of Application to the LEGACI (Land Use, Economic Development, Growth, Agriculture and Community Investment) Grant Program for \$25,000 to fund the continuation of the Procurement Technical Assistance Center with report back to the Board on the status of the Application.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200215      AYES: 1, 3, 4, 5  
NOT PRESENT: 2**

DISTRICT ATTORNEY

19. Authorize purchase of office furniture from Spriggs Office Furnishings for Family Support Division additional office space and approve necessary budget transfer.

**APPROVED AS RECOMMENDED      AYES: 1, 3, 4, 5      NOT PRESENT: 2**

BOARD APPOINTMENTS

BOARD INFORMATION & POSSIBLE ACTION

**ACCEPTED AND PLACED ITEMS ON FILE      AYES: 1, 3, 4, 5      NOT PRESENT: 2**

20. Auditor re:      Implementation of Statement 34 - Convert Budget to Modified Accrual Basis.
21. Administration re:      Results of the Agency Shop Election:      Unit 3 (General Administrative Support Employees) - Agency Shop will not be implemented for Unit 3 employees and Unit 9 (Court Employees) - Agency Shop will be implemented for Unit 9 employees.
22. City of Merced re:      2002 Dr. Martin Luther King Jr. Celebration.
23. Calif. Regional Water Quality Control Board re:      Notice of Availability of Final Staff Report on Recommended Changes to California's Clean Water Act Section 303(D) List.
24. State Dept. of Health Services re:      Fiscal Year 2001-02 State Public Health Subvention Program.
25. State Dept. of Fish and Game Commission re:      Notice of Extension of Draft Nearshore Fishery Management Plan.
26. State Dept. of Social Services re:      State Fiscal Year 2001-2002 Child Abuse Prevention, Intervention and Treatment (CAPIT) Contract Requirements.
27. State Dept. of Alcoholic Beverage Control re:      Implementation of changes to regulatory responsibilities as mandated.      (On file with Clerk)
28. State Board of Equalization re:      Publication 30-Residential Property Assessment Appeals - draft.      (On file with Clerk)
29. Calif. High-Speed Rail Authority re:      Public Board Meeting to be held on January 16, 2002 in Sacramento City Council Chambers.
30. Union Pacific Railroad Company re:      Notification effective December 3, 2001, changes in telephone and facsimile numbers have been changed for the Los Banos Branch.

**ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF RICHARD "DICK" MARTIN, CAPT. MATTHEW BANCROFT, CAPT. DANIEL MC COLLUM, GUNNERY SGT. STEPHEN BRYSON, STAFF SGT. SCOTT GERMOSEN, SGT. NATHAN HAYS, LANCE CPL. BRYAN BERTRAND AND SGT. JEANNETTE WINTERS UNTIL JANUARY 29, 2001 AT 8:30 A.M.**

## BOARD ORDERS – SUMMARY ACTION MINUTES – JANUARY 15, 2002

### **10:00 A.M. SCHEDULED ITEM** **2002-01-15 UC DEVELOPMENT OFFICE**

UC Merced Planning Director, Robert Smith briefly reviews the Staff Report on the preparation of a Regional Conservation Plan in Eastern Merced County (NCCP). Since the contract with EIP Associates was approved in December 2001, much work has been accomplished toward the initiation of this effort, including a public participation component. Mr. Smith states the Regional Conservation Plan is unique to the valley, but not the State. Counties are now stepping forward and dealing with habitat conservation.

Upon motion of Supervisor Cortez Keene, seconded by Supervisor O'Banion, duly carried, the Board accepts the Informational Update as provided.

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

### **ACTION ITEM NO. 10** **2002-01-15 HEALTH – CHILDREN AND FAMILIES COMMISSION**

Supervisor Cortez Keene states at the December 8, 2001 meeting, the Board directed staff to review the background of the Children and Families Commission and provide possible alternative arrangements for Board consideration. She states she prefers and Option No. 3 as presented – transferring fiscal and personnel oversight from the Health Department to Human Services Agency.

Director of Public Health Mike Ford briefly reviews the Staff Report and highlights the information provided in the Survey of 14 counties and their Commissions.

The Chairman asks if there is anyone that wishes to speak.

Tina Johns, Barbara Fields and Shirley Brown speak.

Following a lengthy discussion, Supervisor Cortez Keene moves, seconded by Supervisor Rivero, to transfer the fiscal and personnel oversight to Human Services Agency.

Following discussion, the Chairman calls for a Vote on the Motion. Motion fails.

Ayes: Cortez Keene

Noes: Rivero, Crookham, Kelsey, O'Banion

Following further discussion, Supervisor O'Banion moves, seconded by Supervisor Crookham, the Board continues the Children and Families Commission (Prop 10) under the current structure with the Health Department until further board action is taken, directs staff to share and gather information from commission members on possible options for the administrative arrangement of the Children and Families Commission, and continues the matter to February 5,

2002 for Board action understanding staff is directed to prepare revisions, if needed, to the County Ordinance which established the Commission.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board appoints Supervisors O'Banion and Kelsey to serve as part of the evaluation team to review possible options for the administrative oversight of the Children and Families Commission.

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