



SUMMARY ACTION MINUTES

MERCED COUNTY BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, MAY 07, 2002

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

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 EXECUTIVE 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 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: Four Case(s)

CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: It is the intention of the Board to meet in Closed Session concerning Existing Litigation pursuant to Subdivision (a) of Section 54956.9: Merced County Human Services Agency, Appellant v. Merced County Superior Court and State Personnel Board, Respondents; Tina Gabriault, Real Party in Interest. Appellate Court Case No. F39670, SPB Case No. 00-1040
THE BOARD RECONVENED AT 10:20 A.M. WITH SUPERVISOR CROOKHAM NOT PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF

10:00 A. M.

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATION

Gonzalo Acevedo - In recognition of humanitarian efforts throughout the County of 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
CONTINUED TO BOARD MEETING OF MAY 14, 2002**

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) District Attorney - \$233; Health - \$42,075 and \$52,000, Human Services Agency - \$350,000 (H13); Public Works - \$10,000 (DPW-082) and Sheriff - \$18,000 and \$14,000

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

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

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

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

ADDED AGENDA ITEM

REVIEW BOARD ORDER – SEE PAGE 13

THE BOARD FINDS THE NEED, SUBSEQUENT TO THE POSTING OF THE AGENDA, TO CONSIDER GRANT DEED FOR THE COUNTY LIBRARY AS A SEPARATE PARCEL OF LAND AYES: 1, 3, 4, 5 NOT PRESENT: 2

10:30 A. M.

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

**PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Title: Deputy Probation Officer**

APPEAL - Review of decision of the Merced County External Hearing Officer of an appeal filed by an employee of the Probation Department

REVIEW BOARD ORDER – SEE PAGE 12

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

LUNCH BREAK

CONSENT CALENDAR (Items # 1 - 27)

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

Budget Transfers

1. Approve Budget Transfers submitted by Health-\$22,453; Human Services Agency-\$67,400 (H14) and Sheriff-\$2,810 as recommended by Administration.

Public Works

2. Set public hearing for June 11, 2002 at 10:30 a.m. to consider An Ordinance entitled User Charge Rates for Zones of Benefit Establishing the FY 2002/2003 County Service Area Number One User Charge Rates (Repeals Ordinance No. 1657).
3. Approve and authorize Chairman to sign Amendment to Contract No. 200144 with Schmidt Geomatic Mapping, Inc. for Aerial Photo Mapping Services for the Merced County Landfill Sites.
4. Approve and authorize Chairman to sign the Annual Retainer Contracts for Professional Services for Architecture with Teter Consultants, LLP and for Civil Engineering with Tolladay, Fremming & Parson with a \$75,000 per Project Limit and no per Fiscal Year Accumulative Total.

CONTRACT NO. 200278 WITH TETER CONSULTANTS, LLP AND CONTRACT NO. 200279 WITH TOLLADAY, FREMMING & PARSON

5. Award Contract to Champion Industrial Contractors, Inc. for HVAC Replacement at Building No. 3-Human Services Agency and authorize Chairman to sign said Contract.

CONTRACT NO. 200280

Health

6. Approve and authorize Chairman to sign Amendment to Contract No. 2001175 with Harder+Company on behalf of the Children and Families Commission evaluation services.
7. Adopt proclamation proclaiming May 19-25, 2002 as "Emergency Medical Services Week" in Merced County.

Probation

8. Approve and authorize Chairman to sign Amendment to Contract No. 6315 with Calif. State Dept. of Education for National School Breakfast and Lunch Annual Participation for meals served to minors at Juvenile Hall.
9. Approve and authorize Chairman to sign Amendment to Contract No. 2001208 with Child Advocates of Merced to provide a Mentor Coordinator to selected juvenile probationers.

Ag. Commissioner

10. Approve and authorize Chairman to sign Renewal Contract No. 6518 with D & D Disposal, Inc. for Animal Control Services.
11. Approve and authorize Chairman to sign Renewal Contract No. 5579 with Mariposa County for use of Weights and Measures Testing Equipment and Personnel.

Human Services Agency

12. Proclaim the month of May as "Employment and Training Professionals Awareness Month" in Merced County.
13. Proclaim the Month of May, 2002 as "Veterans Appreciation Month" in Merced County.

Mental Health

14. Proclaim the month of May, 2002 as "Mental Health Month" in Merced County.

Fire

15. Proclaim the week of May 6 - 12, 2002 as "Wildlife Awareness Week" in Merced County.

Community Action Agency

16. Approve and authorize CAB Chairman to sign Contract with Mello Rentals for the Winton Community Service Center Facility.
17. Approve and authorize CAB Chairman to sign Contract with Merced County Superintendent of Schools for purchase of eight relocatable buildings, which are currently used for the operation of the Head Start and Preschool Education Programs at Bellevue Elementary School, Crookham Elementary School, Galen Clark-Merced, Pioneer High School-Gustine, San Luis High School-Los Banos, Schendel Elementary-Delhi (3).
18. Approve and authorize CAB Chair to sign Amendment to Contract with State Dept. of Community Services and Development for increase in funding of the 2002 Community Services Block Grant.
19. Accept and place CAA Information, Staff and Committee Reports on file.

Board of Supervisors

20. Set public hearing for June 11, 2002 at 10:30 a.m. to consider an Appeal to decision of the Planning Commission on Zone Variance No. 01022 and Minor Subdivision No. 01056.

Board Recognition

21. Authorize Certificate of Congratulations for Rahn's Fire and Safety Services Ribbon Cutting recognition.
22. Authorize Certificate of Recognition to Maria Soares upon her recognition as the 2002 Volunteer of the Year by the Los Banos Memorial Hospital and authorize a Certificate of Recognition to the Los Banos Memorial Hospital for their special efforts provided to the Community and Merced County.
23. Authorize Certificates of Recognition to the 2002 Community Law Enforcement Office - Volunteers of the Year as follows: Merced/Beachwood – Janet Treat; Hilmar – Lucille Jones, and Patrolman of the Year Richard Morgan and Walt Otten, Foot Patrolman; Delhi – Bonnie Bowman, Caroline Gambrell, Robert Nolte, Eileen Nolte; Santa Nella – Virginia

Lamoureux; Winton – Kathy Hill, Barney Rivera, Peter Gunn, Dot Dame, Clarence Hernandez and Mike McCabe and 2002 Vollarunteer of the Year to Lionel “Nel” Bonin.

24. Authorize Certificate of Recognition to the Castle Air Museum in celebration of the B-52 Stratofortess 50th Anniversary on April 28, 2002.
25. Authorize presentation of Plaque to Michael R. Hughes for his years of service to the County of Merced.

Business-Economic Opportunities

26. Approve and authorize Chairman to sign Extension to Contract No. 2000161 with Communications Supply Corporation in connection with FOCUS Program.

UC Merced Project

27. Approve and authorize Chairman to sign Amendment to Contract No. 2000176 for Rare Plant Surveys and Contract No. 2000248 for Literature Review with Vollmar Consulting for Extension of Time for completion of the work.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

28. Re-roofing of the Planada Library Building for an estimated cost of \$7,865 utilizing excess funds from Livingston Library and the Dos Palos Veterans Building; authorize issuance of Change Order and approve necessary budget transfer-\$7,865 (#079).

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

29. Resolution authorizing Public Works Director to file Transportation Enhancement Activities (TEA) Exchange Fund claim in the amount of \$159,153.59 for FY 2001-2002.

ADOPTED RESOLUTION NO. 2002-62 AND APPROVED RECOMMENDATION

AYES: 1, 3, 4, 5 NOT PRESENT: 2

30. Authorize solicitation of bids for the purchase and installation of modular building for Transit Facility at County Center III at approximately \$300,000; authorize award of contract subject to approval and review of bid documents and approve necessary budget transfer-\$300,000 (#081). (4/5 Vote Required)

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

31. Authorize Three Party Agreement with U.S. Fish and Wildlife Service, Center for Natural Lands Management for the Valley Elderberry Longhorn Beetle - Mitigation for the Oakdale Road Bridge Project over Merced River and authorize the payment of \$100,000 to Mitigation amount to the Center for Natural Lands Management.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200281 AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

32. Authorize expenditure of \$5,000 to assist the Planada Community Development Corporation with filing a Grant Application requesting \$400,000 for Sidewalk Installation and Improvements in the Town of Planada under HUD's SuperNofa, Rural Housing and Economic Development component; authorize Contract No. 10449 with RM Associates for

\$5,000 for Grant Writing Services and approve necessary transfer-\$5,000 (#087).

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

33. Authorize utilization of California Multiple Award Schedule method of negotiating a Contract with Control Equipment Corporation for purchase and installation of the Truck and Bus Wash Equipment in the amount not to exceed \$196,000 and authorize General Services Director to award and sign Contract No. 200283 subject to review of Counsel and approve the necessary budget transfer-\$196,000 (#084). (4/5 Vote Required)

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

PUBLIC WORKS-CASTLE

34. Declare submitted listed items from the Old Theater, Building No. 786 as Surplus Property and take action on request from City of Livingston to transfer of said property for the City of Livingston Court Theater Project.

REVIEW BOARD ORDER – SEE PAGE 11

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

BUSINESS-ECONOMIC OPPORTUNITIES

35. Resolution authorizing expansion of the Merced County portion of the Merced-Atwater Enterprise Zone into additional unincorporated areas within the County and areas within the City of Livingston and direct BEO to submit an Enterprise Zone Expansion request to Calif. Technology, Trade and Commerce Agency for approval.

ADOPTED RESOLUTION NO. 2002-63 AND APPROVED RECOMMENDATION

AYES: 1, 3, 4, 5 NOT PRESENT: 2

SHERIFF

36. Request to accept Fiscal Year 2002 State Criminal Alien Assistance Award and authorize Sheriff to process the Internet Draw Down and acceptance of funding into Trust Fund 2576, Sheriff Correctional Facilities understanding the Sheriff will return to the Board with all requested future purchases or construction changes.

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

HEALTH

37. Review the extension to Contract No. 8447 with West Side Ambulance Service for Ground Ambulance Services.

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

PRIVATE INDUSTRY TRAINING DEPARTMENT

38. Contract MOU's with One-Stop Partners – Contract No. 200285 with Job Corps and Contract No. 200284 with Experience Works for provision of the one-stop delivery system in the local area and with the Workforce Investment Board (WIB).

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

39. Contract No. 200147 with Dr. Amirshaybani for Tattoo Removal Services for the Welfare-to-Work and CalWorks participants.

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

40. Appointment of Robert Fore to the Workforce Investment Board Youth Council.

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

41. Approve the Amendments to the Bylaws of the Workforce Investment Board (WIB) of Merced County amending Section G2 expanding the composition of the Executive Committee and Section I relative to the disclosure of economic interests.

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

42. Approve the Workforce Investment Board (WIB) of Merced County Conflict of Interest Code.

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

LIBRARY

43. Authorize the Library to apply for the \$25,000 Mini Grant Project with the Merced County Children & Families Commission to be used for purchase of audio, visual and print resources for each of the 16 branch libraries within the Merced County Library System and authorize the County Librarian to sign said application form subject to review by Administration.

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

HUMAN SERVICES AGENCY

44. Contract No. 200286 with Provident Care, Inc. for provision of Chore, Personal Care, Protective Supervision, Professional Care Assistance, Respite In-Home Care for the Multipurpose Senior Services Program and the Linkages Program for a maximum reimbursement amount of up to \$93,750.

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

45. Contract No. 200287 with Merced Lao Family Community, Inc. for Refugee clients enrolled in the Refugee Employment and Social Services Program.

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

46. Amendment to Contract No. 5434 with Calif. Dept. of Aging for Senior Community Services Employment Program and approve the necessary budget transfers.

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

47. Amendment to Contract No. 99111 with Area Agency on Aging for a Linkages and Respite Program and approve necessary budget transfers-\$83,529.

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

48. Amendment to Contract No. 99157 with Calif. Dept. of Aging for provision of Community Based Service Programs and approve the necessary budget transfers. (4/5 Vote Required)

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

49. Approve change of title from Merced Senior Center Donations Trust Fund to Senior Events Fund, change the purpose of the Trust Fund to accept revenue received from ticket sales for Senior events and approve the necessary budget transfers-\$4,500. (4/5 Vote Required)

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

MENTAL HEALTH

50. Amendment to Contract No. 99098 with Rebekah Children's Services for sub-acute residential treatment home for seriously emotionally disturbed children who are at risk of being placed in a State Hospital and approve the necessary budget transfer-\$25,000.

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

51. Amendment to Contract No. 2000207 with Merced Drug for Pharmacy Services and approve necessary budget transfer-\$60,000.

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

AG. COMMISSIONER

52. Approve Fundraising Event for the benefit of the Merced County Animal Control and Shelter sponsored by Wine and Dine for Canines and Felines Volunteer Group, waive the rental fee for the Lake Yosemite Fish and Game Building on May 17, 2002 and refund the deposit, approve use of donated benefit funds as jointly determined by Wine and Dine for Canines and Felines group and County Animal Control Director to be deposited in a Trust Account.

REVIEW BOARD ORDER – SEE PAGE 11

MODIFIED RECOMMENDATION AYES: 1, 3, 4, 5 NOT PRESENT: 2

DISTRICT ATTORNEY

53. Authorize Chairman to sign Contract No. 200288 authorizing the District Attorney's Office to provide investigative services to the Housing Authority of the County of Merced.

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

ADMINISTRATION

54. Internal review of the Marshal's Warrant and Civil Service Functions.

REVIEW BOARD ORDER – SEE PAGE 12 AND 13

MODIFIED RECOMMENDATIONS AYES: 1, 3, 4, 5 NOT PRESENT: 2

55. Approve regulations adopted by the MCERA Board of Trustees on April 11, 2002 and adopt Resolution to complete and specify procedures required to implement retirement benefits previously approved by the Board in Resolution No. 2001-121 dated June, 2001 and specify employee contributions will be Pre-Tax Pick-ups under the IRS Code and adopt a Resolution to clarify Board Action related to implementation of Government Code Section 31680.7 in August, 1997 and the application to the Treasurer-Tax Collector Department Head Position and authorize Chairman to sign letter to MCERA regarding actions taken.

ADOPTED RESOLUTION NO. 2002-64 (Employee Contributions) AND 2002-65 (Application to Treasurer-Tax Collector) AND APPROVED RECOMMENDATION AYES: 1, 3, 4, 5 NOT PRESENT: 2

BOARD OF SUPERVISORS

56. Proposed Resolution by the San Joaquin Valley Regional Association of County Supervisors and by Individual Counties of San Joaquin Valley to pursue immediate actions for improvements for the San Joaquin Valley future water needs.

ADOPTED RESOLUTION NO. 2002-66 AND APPROVED RECOMMENDATION AYES: 1, 3, 4, 5 NOT PRESENT: 2

57. Request for support of Supervisor Cortez Keene to pursue the position of CSAC First Vice-President position.

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

58. Request for endorsement of appointment of Supervisor Cortez Keene to the Governor's California High Speed Rail Authority.

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

BOARD APPOINTMENTS

59. Cressey Recreation Committee.

APPOINTED COREY PLAGENZA, CARRIE KOEHN, JOE DEL TORO, ROSE BOUDREAU AND PAM MAGNESON TO SERVE AS MEMBERS OF THE CRESSEY

BOARD INFORMATION & POSSIBLE ACTION

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

60. Public Works re: Energy Conservation Project for Eleven Merced County Facilities – Notice that funding in the amount of \$50,000 for the encapsulation of the 216 dual duct mixing boxes located in the County Administration Building previously identified in BU 16000/83633 was not needed and therefore, there was no need to move forward with the preparation of contract documents.
61. Public Works re: Notification of bid results of Oakdale Road over the Merced River Bridge Replacement Project - Award Contract to MCM Construction.
AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 200254
62. Public Works re: EDA Grant Project - Notification of Grant Award - Castle Airport Fiber Optics Infrastructure Equipment Room Remodel in Building 1015 - Award Contract to Metropolitan Builders. (previous Board Action of August 14, 2001)
AUTHORIZED PUBLIC WORKS DIRECTOR TO SIGN CONTRACT NO. 2001303
63. Administration re: Operations Directive 02-58 - Payment of Claims without a Purchase Order (Supercedes/Replaces 96-53)
64. Private Industry Training Department re: Selection of the Merced County Private Industry Training Department as the "Veteran Employer of the Year" by the Employment Development Department (EDD).
65. Private Industry Training Department re: PITD Report (March/April 2002 Issue).
66. Los Banos Unified School District re: Resolution #7-02 - Changing the Board Election Cycle; Request for Board of Supervisors to establish the election day for the Los Banos School Board elections to regularly occur on the same day as the statewide general election per Election Code Sections 1302, subdivision (b) and 10404.5.
67. Turlock School Districts re: Turlock Joint Union High School District - School Facilities Fees (Development Fees) - Proposed Construction Schedule Adoption and Public Hearing Notice pursuant to Government Code Section 66002.(b).
68. San Joaquin Valley Unified Air Pollution Control District re: Notice of Public Hearing - 2002 and 2005 Ozone Rate of Progress Plan.
69. Family Water Alliance re: Copy of Letter to Governor Davis requesting declaration of a moratorium on land acquisitions for riparian restoration projects.
70. Construction Materials Association of California re: Recent Publication regarding reclamation of aggregate operations. (On file with Clerk)
71. State Dept. of Health Services re: Notification that Calif. Dept. of Health Services has approved FY 2001/02 California Healthcare for Indigents Program (CHIP) or Rural Health Services (RHS) Program Description of Proposed Expenditures.
72. State Wildlife Conservation Board re: East Merced Vernal Pool Grassland Preserve, Expansion 5 - Merced County; Notification of consideration of allocation of a grant to The Nature Conservatory for the acquisition of 3,074+/- acres of wildlife habitat located in Merced County set for May 23, 2002 WCB Meeting.

73. State Fish and Game Commission re: Meeting Notice of May 7, 2002.
74. CalFed Bay-Delta Program re: Meeting Notice of Drinking Water Subcommittee for Calif. Bay-Delta Public Advisory Committee.
75. CalFed Bay-Delta Program re: Bay-Delta Public Advisory Committee, Environmental Justice Subcommittee Meeting notice of May 10, 2002.
76. WildAid re: Second Annual WildAid Day in California.

ADOPTED RESOLUTION AND ADJOURNED MEETING IN MEMORY OF JUDITH ANN KONCEWICA UNTIL TUESDAY, MAY 14, 2002 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – MAY 7, 2002

ACTION ITEM NO. 34

2002-05-07 PUBLIC WORKS

The time and date previously set to consider public comment resulting from the published notice of intent for the Board of Supervisors to either declare the listed items from the Castle Airport Aviation and Development Center as Surplus Property or deny the request.

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

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Kelsey, duly carried, the Board declares the submitted list of 34 items (soda machine, refrigerator, racks for soda boxes, ice machine, motor, gray stool, round table, all theater seats, all theater curtains, back screen, all lighting tracks, overhead lights, all stage lighting, motorized curtain motors, electrical control boxes, manufactured risers, rolling coat rack, storage cabinets, sound system, back stage screen, book shelves, big screen TV, couches, microwave, speaker system, all emergency lights, house lights, reel containers, sound control cabinet, stage floor, exit signs, inside wall display cases, outside wall display cases and step ladder) from the Old Theater, Building No. 786 as Surplus Property and approves the request and transfers said property to the City of Livingston for the City of Livingston Court Theater Project in accordance with Section 25365 of the Government Code.

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

Not Present: Crookham

ACTION ITEM NO. 52

2002-05-07 AG. COMMISSIONER

Rick Blackwell, Animal Control Manager, appears before the Board and modifies Recommendation No. 3 that is before the Board to delete the wording "jointly determined by the Wine and Dine for Canines and Felines group and County Animal Control Director".

Upon motion of Supervisor Cortez Keene, seconded by Supervisor O'Banion, duly carried, the Board approves the request to hold the Fundraising Event for the benefit of the Merced County Animal Control and Shelter approved by the Wine and Dine for Canines and Felines volunteer group; waives the rental fee for the Fish and Game Building at Lake Yosemite on May 17, 2002 as supported by County Public Works and refunds the deposit and approves the use of donated benefit funds to be used as deemed by the Animal Control Director, with said funds to be deposited in a Trust Account.

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

Not Present: Crookham

10:30 A. M. SCHEDULED ITEM

2002-05-07 ADMINISTRATION - APPEAL

The time and date previously set to consider an Appeal filed by an employee of the Probation Department to review the decision of the Merced County External Hearing Officer.

The Board determines sufficient information has been received relative to the appeal and recesses at 10:50 a.m. to meet in Closed Session pursuant to Subdivision (e) of Government Code Section 54957: Public Employee Discipline/Dismissal/Release, Title: Deputy Probation Officer. The Board reconvenes at 11:10 a.m.

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board denies the appeal filed by the Probation Department employee and upholds the decision of the Hearing Officer.

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

Not Present: Crookham

ACTION ITEM NO. 54

2002-05-07 ADMINISTRATION

County Executive Officer Dee Tatum states an internal review of the Marshal's Warrant and Civil Service functions was conducted based on criticisms that have focused on the warrant service. He briefly reviews the staff report and the recommendations before the Board.

Deputy County Administrator-Chief Budget Analyst Jim Brown submits and reviews the Civil Process/Warrant Service staffing, security for courts. He states recommended changes are as follows: transferring Deputy Marshals to the Sheriff's department, separate function, full peace officer powers, continued safety benefits, sheriff's concession and selection process and reviews the fiscal impacts.

Management Services Analyst Mary Sieren reviews the staff analysis of the civil service process and the warrant process and the staffing impacts.

Discussion is had on the active warrants, total breakdown of serious crimes, summary of total warrants, Merced County warrants, felony/misdemeanors and serious crimes in Merced County and the historical data for warrants issued/served 1981 – 2001.

Superior Court Administrator-Jury Commissioner Lee Haugen appears before the Board expressing concern with the deletion of an office and states the issue of deleting the office of marshal will require legislation.

Following further discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board authorizes staff to pursue the consolidation of the Merced County Marshal's Office Civil and Warrant Processing Staff into the Sheriff's Department effective July 1, 2002 and return to the Board of Supervisors with staffing and budget recommendations; direct staff to work with the county's legislative lobbyist to review and seek modification to enable further consolidation, including modification to any statutes necessary to further consolidate; develop policies and procedures for dealing with felony and misdemeanor

warrants; direct Staff to work with the Courts to discuss transition of Marshal security and achieve any necessary amendments to the County-Courts Agreement; Sheriff, District Attorney and Courts to work together to recall warrants that are considered more difficult to serve due to missing or invalid information; and to identify key support measures in order to regulate and control new processes.

Ayes: Rivero, Cortez Keene, Kelsey, O'Banion
Not Present: Crookham

ADDED AGENDA ITEM
2002-05-07 PUBLIC WORKS

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board finds the need to take action to consider the creation of a Grant Deed for the County Library as a separate parcel of land arose after the posting of the agenda and places the item on the agenda for consideration.

Ayes: Rivero, Cortez Keene, Kelsey, O'Banion
Not Present: Crookham

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board authorizes the creation of a separate parcel of land containing the County Library site consisting of 2.44 acres for financing the Juvenile Justice Correctional Complex (JJCC) site, APN 030-260-004; accepts and authorizes the Chairman to sign said Grant Deed for the County Library parcel and adopts Resolution No. 2002-67.

Ayes: Rivero, Cortez Keene, Kelsey, O'Banion
Not Present: Crookham