



# SUMMARY ACTION MINUTES

## MERCED COUNTY BOARD OF SUPERVISORS

### Regular Meeting

**TUESDAY, JULY 02, 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 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**

9:00 A. M.

**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: San Joaquin Valley Raptor Rescue Center, et al v. County of Merced, Superior Court Case No. 145995

**THE BOARD RECONVENED AT 10:00 A.M. WITH SUPERVISOR RIVERO NOT PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF**

10:00 A. M.

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**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 #1-44)  
**APPROVED AS RECOMMENDED      AYES: 1, 2, 4, 5      NOT PRESENT: 3**

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

10:30 A. M.

**SHERIFF - PUBLIC HEARING**

To consider 2002 Local Law Enforcement Block Grant  
**REVIEW BOARD ORDER – SEE PAGE 9**

**PLANNING**

Status Update on the Redevelopment Feasibility Study and set study session for August 13, 2002 at 10:30 a.m.  
**REVIEW BOARD ORDER – SEE PAGE 9 & 10**

**REPORTS/BOARD DIRECTION**

- County Executive Officer
- County Counsel
- County Auditor
- Board of Supervisors Members

**LUNCH BREAK**

**CONSENT CALENDAR (Items #1-44)**

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

Public Works

1. Waive the restriction on use of amplified music for the Cale/Chaffin Memorial Family Reunion on July 6, 2002 at Henderson Park Picnic Shelter; Widlund 50th Anniversary on September 14, 2002 at Lake Yosemite Rotary Cove II and Baron/Haynes Wedding Reception on July 7, 2003 at Lake Yosemite Rotary Cove I.

2. Adopt Resolution prohibiting parking on the north and south sides of Merced Falls Road along the entire Henderson Park frontage and authorize installation and maintenance of “no parking” signs along Merced Falls Road.

**ADOPTED RESOLUTION NO. 2002-117**

3. Adopt Resolution honoring Donn Thomas for his years of service to the County of Merced.
4. Accept Final Map for Newman Business Park in the City of Newman.

Health

5. Approve and authorize Chairman to sign Renewal Contract No. 2000145 with Children and Families Commission for the Wellness Nutrition Project.
6. Approve and authorize Chairman to sign Renewal Contract No. 2001197 with Stanislaus County Health Agency for Public Health Laboratory testing and consulting services.
7. Approve and authorize Chairman to sign Amendment to Contract No. 200087 with State Dept. of Health Services for Ryan White Care Act Funding reducing the total Grant Award for FY 2002-03 from \$106,556 to \$101,228.
8. Approve and authorize Chairman to sign Renewal Contract No. 2000147 with the Merced County Children and Families Commission for the Immunization Registry Project.

Business-Economic Opportunities

9. Approve and authorize Chairman to sign Amendment to Contract No. 200134 transferring the assignment, operations and related services from Amdahl Corporation to Fujitsu Technology Solutions, Inc. effective April 1, 2002 in connection with Fast Open Contracts Utilization Services (FOCUS) Contract and authorize written notification.

Community Action Agency

10. Approve and authorize CAB Chair to sign Contract with 35th District Ag. Association for the CAA Head Start Program use of Cafeteria Building Kitchen Facilities at the Fairgrounds.
11. Approve and authorize CAB Chair to sign Amendment to Contract with State Dept. of Community Services and Development for targeting and providing weatherization services to elderly households (the Elderly Vulnerable Population).
12. Approve and authorize CAB Chair to sign Contract with 35th District Ag. Association for CAA Head Start Program use of portable classrooms, office space and restrooms with heating, cooling and playground area located at the Fairgrounds.
13. Accept and place CAA Information, Committee and Staff Reports on file.

Auditor

14. Approve a \$250 Change Fund for the Recorder's Office consisting of two \$125.00 separate funds.

Human Services Agency

15. Approve and authorize Chairman to sign Renewal Contract No. 2001159 with Children's Services Network of Merced County to provide Stage 1 Childcare Funding for CalWORKs participants.

16. Approve and authorize Chairman to sign Renewal Contract No. 7020 with A Woman's Place to provide assistance to victims of domestic violence.
17. Approve and authorize Chairman to sign Renewal Contract No. 9356 with Merced County Office of Education to provide Promoting Safe and Stable Families Services.
18. Approve and authorize Chairman to sign Renewal Contract No. 10189 with Landy Care, Inc. to provide Respite Care Services and Minor Home Repair and Maintenance Services for the Multipurpose Senior Services Program and the Linkages Program.
19. Approve and authorize Chairman to sign Renewal Contract No. 8451 with Hilmar Unified School District to provide a Social Worker at the Hilmar Unified School District.
20. Approve and authorize Chairman to sign Renewal Contract No. 99245 with Private Industry Training Department for use of part of the Livingston Facility.
21. Approve and authorize Chairman to sign Renewal Contract No. 10388 with Central Sierra Lifeline, Administrators for Lifeline Systems, Inc. to provide Communication/Translation and Communication Devices for the Multipurpose Senior Services Program and the Linkages Program.
22. Approve and authorize Chairman to sign Renewal Contract No. 99252 with Health for the Medi-Cal Outreach Program.
23. Authorize Chairman to sign Termination of Lease for Contract No. 200070 with Rob DiNapoli for Building Trades Pre-Apprentice Orientation Program office space located at 1855 Grogan Avenue effective July 31, 2002.
24. Approve and authorize Chairman to sign Renewal Contract No. 2000195 with Community Action Agency to provide Head Start Services to CalWORKs participants.
25. Approve and authorize Chairman to sign Renewal Contract No. 9745 with A Woman's Place to provide a full time Domestic Violence Counselor in the Child Welfare area.

#### Probation

26. Approve and authorize Chairman to sign Renewal Contract No. 2001192 with Merced Police Department for provision of one Police Officer to the COOL (Correcting Offender outcomes Locally) Program.
27. Approve and authorize Chairman to sign Renewal Contract No. 2001196 with Dos Palos/Ora Loma Unifies School District to station a deputy probation officer at Dos Palos High School to provide more effective supervision of juveniles who are under probation supervision in the community and to provide prevention/intervention services to students enrolled in school.

#### Administration

28. Approve and authorize Chairman to sign Amendment to Contract No. 2000132 with The Bridge/J. Stanley Bunce, Ph.D & Associates for the Employee Assistance Program (EAP) and Officers Assistance Program (OAP).

#### Board Recognition

29. Authorize Resolution in honor of California Highway Patrol Officer James J. Schumacher, Jr. who was killed in the line of duty on June 13, 1981 on Freeway near Athlone Road.

30. Authorize Certificates of Recognition to individuals recognized by the Greater Merced Chamber of Commerce as follows: Garith Krause-Outgoing Chamber President, Malibu Boats-Business of the Year, Kenneth Riggs-Humanitarian Award, Ben Wells-Citizen of the Year, Nancy Brawley-Athena Award, Crabb Financial & Insurance-Home Based Business of the Year, Lupe Dawson-Volunteer of the Year, Golden Valley Engineering & Surveying-Small Business of the Year and Marvin Bolling-Associate Member of the Year.
31. Authorize Certificate of Recognition for Flag Day Ceremony joining Castle Air Museum and the Shriners of San Joaquin in celebrating the history of our United States Flag June 14, 2002.
32. Authorize Certificate in Celebration of 50th Wedding Anniversary of Frank and Audra Barbeau.
33. Authorize Certificate of Recognition to Henry Escobar for being recognized by the Association of California School Administrators as "Superintendent of the Year".
34. Authorize Certificates of Recognition to individuals selected by the Livingston/Delhi Veterans of Foreign Wars, Post 8327 and Ladies Auxiliary for Year 2001 as follows: Patriotic Family: Delhi-The Samuel Family and Livingston-The Flores Family; County Patriotic Family-The Barrios Family; Patriotic Business: Delhi-Pruett Supply and Livingston -Brothers Market, Firefighter of the Year: Delhi-Dillard Worsham and Livingston-Gordon Wilkinson and Bill Ingram; Livingston Dispatcher-Gisle Perez; Livingston Police Officer-Reece Haile; Deputy Sheriff-Adam Tacheira and Ladies Auxiliary Member-Annette artikian; Veteran of the Year-Marty Cervantes and VFW Member of the Year-Pete Morales.
35. Authorize Certificates of Recognition to individuals that have graduated from Leadership Merced Class 17 as follows: Lonn Boyer, Julie Brantley, Jim Brown, Michael Carpenter, Stephanie Espinosa, Philip Flores, Stacey Hendrickson, David Hoffman, Ric Kirby, Kirsten Lee, Michelle Lindo, Holly Newton, LaVon Robinson, Marilyn Rotnem, Michael Ryan, Loretta Schlosser, Carol Silva and David Wade.
36. Authorize Certificate of Congratulations in recognition of 50th Wedding Anniversary of Carolyn and Van Sweet.
37. Authorize Certificate of Recognition to Castle Air Museum in recognition of the Tuskegee Airmen for efforts during World War II.
38. Authorize Certificate of Congratulations to Scenic Airlines in recognition of their Grand Opening and Ribbon Cutting.
39. Authorize Certificates of Recognition to United States Air Force 129th Air National Guard, 22nd Air Refueling Wing and 19th Air Refueling Group.

#### Mental Health

40. Approve and authorize Chairman to sign Renewal Contract No. 5147 with San Joaquin County Mental Health for provision of residential treatment for severely emotionally disturbed minors.
41. Approve and authorize Chairman to sign Renewal Contract No. 10368 with Livingston High School for provision of counseling services for students whose behavior indicates a possible emotional disorder referred by Livingston High School psychologist.

Travel Request

- 42. Approve Travel Request submitted by Business-Economic Opportunities as recommended by Administration.

District Attorney

- 43. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 9569 with the Office of Criminal Justice Planning for the Statutory Rape Vertical Prosecution Project Grant Application.

**ADOPTED RESOLUTION NO. 2002-118**

- 44. Adopt Resolution authorizing the Chairman to sign Renewal Contract No. 9502 with Office of Criminal Justice and Planning for continued participation in the Career Criminal Prosecution Program.

**ADOPTED RESOLUTION NO. 2002-119**

**REGULAR CALENDAR**

**BOARD ACTION**

AUDITOR

- 45. Adopt Resolution amending the Revenue and Reimbursement Fee Policy and adopt Penal Code Section 2463.007, which will allow Merced County to recover our cost of collection prior to distribution of Court fines.

**ADOPTED RESOLUTION NO. 2002-120 AND APPROVED RECOMMENDATION**

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

PLANNING

- 46. Review the proposed Letter of Agreement with the U.S. Fish and Wildlife Service concerning endangered species in the Santa Nella area and authorize the Chairman to sign.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002192 AYES: 1, 2, 4, 5**

**NOT PRESENT: 3**

PUBLIC WORKS

- 47. Award and authorize Chair to sign Special Instructions and Material Testing Contract for the new Juvenile Justice Correctional Complex to Kleinfelder, Inc. in the amount of \$133,885.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002138 AYES: 1, 2, 4, 5**

**NOT PRESENT: 3**

- 48. Vehicle User Mileage Rates for the 2002-2003 Fiscal Year.

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

- 49. Approve revised total estimated project budget of \$238,740 for Automatic Irrigation System for South Dos Palos County Park and authorize the Public Works Director to sign Deductive Change Order, Contract with Bakersfield Wells and Pump Company and approve modification to proposed budget.

**MODIFIED RECOMMENDATION AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002137 AYES: 1, 2, 4, 5 NOT PRESENT: 3**

## PUBLIC WORKS-CASTLE

50. Consider public comment and declare the contents of Building Nos. 122, 124, 125, 360, 403, 404, 405, 409, 415, 432, 443, 480, 482, 521, 523, 531, 532, 537, 551, 556, 708, 709, 752, 786, 848, 850, 851, 1003, 1005, 1101, 1102, 1103, 1104, 1105, 1106, 1108, 1109, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1121, 1122, 1123, 1124, 1131, 1132, 1207, 1208, 1210, 1211, 1212, 1213, 1214 and 1215 at Castle Airport Aviation and Development Center as Surplus Property and authorize disposal with the building demolition project or transfer the property to any public agency within Merced County.

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

51. Airport Sublease Document for Buildings 1541 and 1543 with Dwain Fish.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002136 AYES: 1, 2, 4, 5 NOT PRESENT: 3**

## HEALTH

52. ~~Adopt Resolution authorizing Merced County Mosquito Abatement District to utilize its specified aircraft in aerial applications of Environmental Protection Agency approved pesticides over the population congested areas within the unincorporated portions of the County.~~

**PULLED – NO ACTION TAKEN**

53. Contract Memorandum of Understanding with Child Health and Disability Prevention Program, Childhood Lead Poisoning Program, Dental Disease Prevention Program and Comprehensive Perinatal Services program and CAA Head Start and CAA Women's Infant and Children Program for mutually supportive and collaborative services for FY 2002-2004.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002139 AYES: 1, 2, 4, 5 NOT PRESENT: 3**

54. Resolution authorizing the Emergency Medical Services Agency to access and receive Live Scan summary criminal history information from the State Dept. of Justice.

**ADOPTED RESOLUTION NO. 2002-121 AND APPROVED RECOMMENDATION AYES: 1, 2, 4, 5 NOT PRESENT: 3**

## MENTAL HEALTH

55. Grant Proposal for Southeast Asian Peer Support Program through The California Endowment Funding and authorize appropriate signing of documents.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002140 AYES: 1, 2, 4, 5 NOT PRESENT: 3**

## HUMAN SERVICES AGENCY

56. Contract with Merced County Office of Education to operate the Child Abuse Prevention, Intervention and Treatment Program (CAPIT) as well as the Community-Based Family Resource and Services (CBFRS) Program.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002141 AYES: 1, 2, 4, 5 NOT PRESENT: 3**

## SHERIFF

57. Contract No. 2001150 with Commander Margaret Work for extension of permission to work temporarily with the State Board of Corrections and authorize the Sheriff to give notice

pursuant to the terms of the contract to terminate as of September 2, 2002.

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

**ADMINISTRATION**

58. Authorize transfer of 480 hours of sick leave from the City of Merced to the County of Merced for one employee (#022) in Budget Unit 75300.

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

**BOARD APPOINTMENTS**

**BOARD INFORMATION & POSSIBLE ACTION**

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

59. Fire Department re: Merced County Fire Department Accomplishments Report for the Year 2001. (On file with Clerk)
60. Merced Union High School District re: Notification of postponement of meeting relative to Development Fee Justification Study of May 2002.
61. San Diego County Supervisor Ron Roberts re: Letter of request to encourage and support House Joint Resolution (HJR) 81 which would amend the United States Constitution to prevent infringement on the right to pray in public places.
62. Governor's Office of Emergency Services re: Announcement that U.S. Small Business Administration has extended the filing deadline for its nationwide Economic Injury Disaster Loan Program implemented by businesses impacted by the September 11, 2001 terrorist attacks.
63. State Water Resources Control Board re: Notice of Application No. 5632 - Order approving petition for temporary change involving the transfer of water from Yuba County Water Agency to the Environmental Water Account and the Contra Costa Water District.

**ADJOURNED MEETING UNTIL TUESDAY, JULY 9, 2002 AT 10:00 A.M.**



## BOARD ORDERS – SUMMARY ACTION MINUTES – JULY 2, 2002

### **10:30 A. M. SCHEDULED ITEM** **2002-07-02 SHERIFF – PUBLIC HEARING**

The time and date previously set for a Public Hearing to consider the Department of Justice 2002 Local Law Enforcement Block Grant submitted by the Sheriff's Department.

Jo Ann Phelps, Sheriff Department Director of Administration, reviews the Staff Report. She states The Local Law Enforcement Advisory Board recommends the following expenditures with the grant funds and budget transfers will be submitted for final approval when funding is received:

\$40,000 - Add two Polycom Video Systems, with respective ancillary items such as TV, ISDN lines, stand, telephone lines, etc., for video court arraignment. One system for Main Jail replacement (moved to Los Banos for 180 day trial period), and one to be added to Department 4 (when used for criminal matters). The Sheriff Department would assume ownership and the grant would offset cost of the two systems purchase and on-going monthly communication and maintenance costs.

\$71,698 - Purchase of vests for Law Enforcement. The Sheriff and the Law Enforcement Advisory Board are recommending the purchase of a (Generation 9) vest that is light weight and yet has a much higher safety technology factor than current vest. Cost per vest with accessories-approximately \$1,100.00 each. The recommended amount with match will allow for the purchase of up to 65 vests.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board accepts the Local Law Enforcement Advisory Board recommendation for the Federal Department of Justice 2002 Local Law Enforcement Block Grant.

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

Not Present: Rivero

### **10:30 A. M. SCHEDULED ITEM** **2002-07-02 PLANNING – PUBLIC HEARING**

Planning Director Bill Nicholson reviews the Staff Report advising the Planning and Financial Consultant Keyser Marston Associates is assisting in the preparation of the redevelopment feasibility study for the County and has completed a preliminary "boundary evaluation" for the 13 unincorporated areas. Mr. Nicholson states the Planning Dept has met with the Municipal Advisory Councils about the redevelopment study that is underway and notification has been sent to various special districts, community groups and nearby cities for areas being studied that do not have Municipal Advisory Councils. Planning staff and the consultant conducted a public forum on June 10, 2002, to explain the concept of redevelopment, the

preliminary boundaries that have been identified, and to ask for identification of any projects that should be considered in the feasibility analysis (such as pending commercial developments). Representatives from Planada, Delhi, Franklin/Beachwood, Castle, Merced and Atwater attended this workshop.

The consultants are presently preparing the financial feasibility analysis, which will help determine whether the projected increase in property tax assessments in each identified community would support formation of a redevelopment project area with adequate revenue to successfully complete projects. Input from the Municipal Advisory Councils is also being accepted on the preliminary boundary evaluation. A workshop for the Board of Supervisors to present the feasibility analysis and seek direction on alternative methods for establishing redevelopment areas is being set for August 13, 2002. Representatives from the 13 communities evaluated will also be invited to this workshop.

Upon motion of Supervisor Kelsey, seconded by Supervisor Cortez Keene, duly carried, the Board accepts the presentation and schedules the Study Session for the Redevelopment Feasibility Study for August 13, 2002.

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

Not Present: Rivero