

SUMMARY ACTION MINUTES

MERCED COUNTY BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, NOVEMBER 12, 2002

Closed Session – 8:00 a.m.

Regular Meeting – 9:00 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

- 8:00 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: Two Case(s)
THE BOARD RECESSED INTO CLOSED SESSION AT 8:00 A.M. AND RECONVENED AT 9:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF
- 9:00 A. M. **PLEDGE OF ALLEGIANCE**
INVOCATION

9:00 A. M.

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**

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Library - \$500 and Health - \$20,322

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 10)

APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

ADDED AGENDA ITEM:

REVIEW BOARD ORDER – SEE PAGE 8

THE BOARD FINDS THE NEED TO CONSIDER THE FOLLOWING AND PLACES ON THE AGENDA FOR CONSIDERATION: (1)-

APPOINTMENT OF ACTING MARSHAL; (2)-BUDGET TRANSFER FOR ELECTION AND (3)-DISTRICT THREE SPECIAL BOARD PROJECT

FUNDS AYES: ALL

REPORTS/BOARD DIRECTION

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

10:00 A. M.

**PRESENTATION – Recognition of Merced Boosters and Bob Carpenter
The Board recognizes and presents a Plaque to Bob Carpenter and Merced Boosters for their dedication and perseverance to the UC Merced**

SERVICE PIN AWARDS PRESENTATIONS

30 YEARS OF SERVICE

Human Services Agency - Robert Yanez

20 YEARS OF SERVICE

Sheriff - John Kelly

15 YEARS OF SERVICE

Dept. of Workforce Investment – Bernedette Castaneda

10 YEARS OF SERVICE

Spring Fair – Ron Brandt

A RECEPTION IN ROOM 310 WILL BE HELD IN HONOR OF THE AWARDS

10:30 A. M.

EXECUTIVE OFFICE - PROPOSED ORDINANCE - FIRST READING - SET SECOND READING AND POSSIBLE ADOPTION FOR DECEMBER 3, 2002 AT 10:30 A.M.

An Ordinance establishing Court Security Division in Sheriff's Office

REVIEW BOARD ORDER – SEE PAGE 9

ASSESSOR - PROPOSED ORDINANCE

An Ordinance providing for Reassessment of Property Damaged or Destroyed by Misfortune or Calamity (Amends Ordinance No. 1443 and Code Chapter 5.16)

An Ordinance providing for Notice of Escape Assessment of Property under Revenue and Taxation Code Section 531, 534 and 1605

Board of Supervisors Members

REVIEW BOARD ORDER – SEE PAGE 10

CONTINUED DISCUSSION TO DECEMBER 3, 2002 BOARD AGENDA

11:00 A. M.

**IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY
ADJOURN AS A BOARD OF SUPERVISORS AND MEET AS AN IN-HOME
SUPPORTIVE SERVICES PUBLIC AUTHORITY**

SEE SEPARATE AGENDA

LUNCH BREAK

1:30 P.M.

U.S. FISH AND WILDLIFE SERVICE - Presentation concerning the proposed critical habitat designation for threatened and endangered vernal pool species in Merced County

RECEIVED REPORT

CONSENT CALENDAR (Items #1 - 10)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Waive restriction on the use of amplified sound equipment on April 26, 2003 by the Parsley Family Reunion at Henderson Park Picnic Shelter and on July 27, 2003 by the Gateway Community Church at Lake Yosemite Fish and Game Building.
2. Adopt Resolution designating the Intersection of Myers Lane and Flower Street as part of the Meadowbrook Estates Unit No. 3 as a Stop Intersection in the Delhi area.

ADOPTED RESOLUTION NO. 2002-217

Business-Economic Opportunities

3. Approve and authorize Chairman to sign Extension to Contract No. 2000230 with David Office Systems, Inc. in connection with FOCUS Program.

Executive Office

4. Adopt Resolution approving the registration of the following employee organizations: American Federation of State, County and Municipal Employees (AFSCME), Local 2703, Units 4, 5, 6 and 8; Merced County Lawyers' Association, Unit 7; Independent Employees of Merced County (IEMC), Unit 3; Merced County Sheriff's Employee Assn (MCSEA), Unit 2; Merced County Deputy Sheriff's Assn. (MCDSA), Unit 10 and Merced County Law Enforcement Sergeants (MCLES), Unit P.

ADOPTED RESOLUTION NO. 2002-218

Mental Health

5. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 99181 with State Dept. of Alcohol and Drug Programs for the Drug Court Partnership Program.

ADOPTED RESOLUTION NO. 2002-219

Human Services Agency

6. Approve and authorize Chairman to sign Renewal Contract No. 200058 with City of Los Banos for Answers Benefiting Children (ABC) Program office lease.

Dept. of Workforce Investment

7. Approve and authorize Chairman to sign Contract No. 2002222 with Merced County Office of Education to provide Job Search Services for Workforce Investment Act Younger Youth.

Board Recognition

8. Proclaim November 9, 2002 as Marching Band Day in Merced County.
9. Authorize plaque presentations to the University of California in connection with the Founding Celebration held on October 25, 2002.
10. Proclaim the month of October, 2002 as "Domestic Violence Awareness Month" in the County of Merced.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

11. Resolution to implement local government control measures in the PM-10 (dust) Plan for the San Joaquin Valley.

ADOPTED RESOLUTION NO. 2002-220 AS RECOMMENDED AYES: ALL

12. Authorize utilization of Calif. CalNet Contract No. 2002206 with SBC DataComm to provide a second fiber optic connection with the Merced Union High School District offices at Castle Airport.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

13. Resolution authorizing Chairman to sign Contract with Valley Auto Wreckers for auto dismantler services for Board approved Abandoned Vehicle Ordinance.

REVIEW BOARD ORDER – SEE PAGE 9

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002223 AND ADOPTED RESOLUTION NO. 2002-221 AYES: ALL

PLANNING

14. Contract with Self-Help Enterprises for consultant services to implement and administer a housing rehabilitation program utilizing CDBG Program Income as outlined in Program Income Reuse Plan and to write new grant applications and authorizing signing of appropriate documents.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002225 AYES: ALL

15. Award the Contract to Self Help Enterprises to implement and administer the County's 2002 HOME Grant to be used for housing rehabilitation with the stipulation that Planning Staff return to the Board for approval if funded.

APPROVED AS RECOMMENDED AYES: ALL

16. Community Plan Update - Priority planning for the next four Community Plan updates.

REVIEW BOARD ORDER – SEE PAGE 9

APPROVED AS RECOMMENDED AYES: ALL

FIRE

17. Authorize Emergency Services to continue coordinating with the U.S. Dept. of Justice and State OES for State Domestic Terrorism Grant.

APPROVED AS RECOMMENDED AYES: ALL

18. Authorize Emergency Services to continue to participate in the Federal Emergency Management Performance Grant.

APPROVED AS RECOMMENDED AYES: ALL

AUDITOR

19. Authorize an Extra Help Student Intern position for the Auditor-Controller Office, BU 11000.

ADOPTED RESOLUTION NO. 2002-222 AS RECOMMENDED AYES: ALL

TREASURER

20. Accept the Quarterly Investment Report and the 2003 Investment Policy.

APPROVED AS RECOMMENDED AYES: ALL

21. Approve distribution of excess proceeds from the Public Auction of Tax-Deeded property sold due to failure to pay taxes on real property as listed payable to the claimants for APN 057-160-078 and APN 083-260-001.

APPROVED AS RECOMMENDED AYES: ALL

22. Resolution to adopt a Cash Difference Fund of \$10.00 per Revenue and Taxation Code Section 2611.5, the option to increase the amount tendered to the cash difference and overage fund.

ADOPTED RESOLUTION NO. 2002-223 AS RECOMMENDED AYES: ALL

LIBRARY

23. Authorize Librarian to apply for Grant with Calif. Coastal Commission for a Whale Tail Grant Proposal in the amount of \$11,000 to return to the Board if Grant is awarded.

APPROVED AS RECOMMENDED AYES: ALL

GENERAL SERVICES

24. Contract for five years with Evercom to provide pay telephones and the related "Call Access Manager" System to the Juvenile Hall.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002226 AYES: ALL

MENTAL HEALTH

25. PULLED.

26. Contract with Dr. F. George Kassebaum, M.D. for Psychiatrist Services and approve the necessary budget transfer.

NO ACTION TAKEN – PULLED FROM THE AGENDA

27. Contract with Chamberlain's Children's Services for Specialty Mental Health Services for Children and approve the necessary budget transfer.

NO ACTION TAKEN – PULLED FROM THE AGENDA

28. Contract with California Friday Night Live Partnership for Friday Night Live Partnership Mentoring Grant Award for local youth mentoring program services in the amount of \$27,500 and approve necessary budget transfer and Resolution.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002220 and ADOPTED RESOLUTION NO. 2002-224 AYES: ALL

BUSINESS-ECONOMIC OPPORTUNITIES

29. Authorize purchase of video-teleconferencing equipment and installation for the new Castle Communications Center in accordance with EDA procurement rules and direct award and cost of the program come back to the Board as an Information Item.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

30. Approve Legislative Agenda 2003.

APPROVED AS RECOMMENDED AYES: ALL

31. Approve the Budget Calendar for FY 2003/2004.

APPROVED AS RECOMMENDED AYES: ALL

32. Approve Travel Requests submitted by Assessor as recommended by Executive Office.

APPROVED AS RECOMMENDED AYES: ALL

33. Approve Budget Transfers submitted by Ag. Commissioner-\$7,079 and \$3,461 as recommended by Executive Office.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

34. Solid Waste Independent Hearing Panel.

REAPPOINTED LEE FREMING, TECHNICAL EXPERT REPRESENTATIVE, AND PHIL WILSON, PUBLIC MEMBER AT LARGE REPRESENTATIVE, UNTIL APRIL 7, 2004

AND REAPPOINTED SUPERVISOR CORTEZ KEENE UNTIL DECEMBER 31, 2004
AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

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

35. General Services re: Surplus Public Safe and Auction.
36. Ag. Commission re: Animal Control Monthly Report - August, 2002.
37. U.S. Fish and Wildlife Service re: Response to September 25 Letter requesting the Fish and Wildlife Service schedule hearings concerning the proposed critical habitat designation for threatened and endangered vernal pool species in Merced County.
38. Calif. Dept. of Water Resources re: Flood Proofing Workshop set for November 21, 2002 in Sacramento.
39. Calif. State Rural Health Association re: Annual Conference 2002, Shoulder to Shoulder - Building on our Successes for Rural Solutions. (On file with Clerk)
40. Los Angeles County Children's Planning Council re: 2002 Children's ScoreCard: Communities Translating Data into Action - Booklet with information of children in the County of Los Angeles. (On file with Clerk)
41. The California Wellness Foundation re: Update on funding for violence prevention programs.

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF ELINOR MARGARET JORGENSEN, MAURICE "MOE" LEROY TALL AND RAYMOND CONTRERAS UNTIL DECEMBER 3, 2002 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – NOVEMBER 12, 2002

10:00 A.M. ADDED AGENDA ITEM
2002-11-12 MARSHAL / SHERIFF

Upon motion of Supervisor Crookham, seconded by Supervisor O'Banion, duly carried, the Board finds the need arose, subsequent to the posting of the agenda, to consider the Marshal appointment and places the item on the agenda for consideration.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board confirms the appointment of Mark N. Pazin as Acting Marshal for Merced County in concurrence with actions of the Superior Court of California to remain in effect throughout the transition of the court security services of the Sheriff Department.

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

10:00 A.M. ADDED AGENDA ITEM
2002-11-12 ELECTIONS

Upon motion of Supervisor Crookham, seconded by Supervisor Kelsey, duly carried, the Board finds the need arose, subsequent to the posting of the agenda, to consider a Budget Transfer for Elections operations and places the item on the agenda for consideration.

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

Upon motion of Supervisor Crookham, seconded by Supervisor Kelsey, duly carried, the Board approves a Budget Transfer in the amount of \$148,950 for increased printing costs in the Election Division.

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

10:00 A.M. ADDED AGENDA ITEM
2002-11-12 PUBLIC WORKS

Upon motion of Supervisor Crookham, seconded by Supervisor Kelsey, duly carried, the Board finds the need arose, subsequent to the posting of the agenda, to consider District Three Special Board Project funds transfer and places the item on the agenda for consideration.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board authorizes the expenditure of \$27,810 from Special Board Project Fund-District No. Three for the development of the neighborhood park planned for the Franklin-Beachwood area and approves the necessary Budget Transfer.

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

ACTION ITEM NO. 13
2002-11-12 HEALTH

Environmental Health Division Director Jeff Palsgaard appears before the Board and briefly reviews the Staff Report and states the registered owner of the vehicle will be contacted for reimbursement.

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board authorizes Chairman to sign Contract No. 2002223 with Valley Auto Wreckers for auto dismantler services in accordance with Ordinance No. 1677 – Abandoned Vehicle Ordinance and adopts Resolution No. 2002-221.

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

ACTION ITEM NO. 16
2002-11-12 PLANNING

Planning and Community Development Director Bill Nicholson reviews the Staff Report for the Community Plan Update Prioritization and recommends the following order for Community Plan Updates – Hilmar, Winton, Le Grand and Franklin-Beachwood.

Deputy Planning Director Butch Cope reviews specific urban development plans (SUDP's), the criteria for update and the Update Priorities Recommendation of 12/18/00.

Scott Porter appears before the Board and requests consideration of moving Le Grand up in the ranking of updates.

Harold Callahan, Hilmar developer, appears before the Board and states consideration of a program whereby the county gets reimbursed to help with the community plan makes sense and creates funds to allow a community to move along as it changes.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board approves the Community Plan Update Priorities in the following order – Hilmar, Winton, Le Grand and Franklin-Beachwood.

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

10:30 A.M. SCHEDULED ITEM
2002-11-12 EXECUTIVE OFFICE

The time and date previously set for the First Reading for the Proposed Ordinance to Establish a Court Security Division in the Sheriff's Department pursuant to the Provisions of California Government Code Section 26638.5.

County Executive Officer Demitrios Tatum reviews the Staff Report and advises Government Code Section 26638.5 was recently enacted to allow Merced County, by Ordinance, to establish a Court Security Division in the Sheriff's Department, abolish the County Marshal's Office and transition existing Marshal staff to the Sheriff.

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

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Kelsey, duly carried, the Board waives further reading of Proposed Ordinance to Establish a Court Security Division in the Sheriff's Department and sets second reading and possible adoption for December 3, 2002, at 10:30 a.m.

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

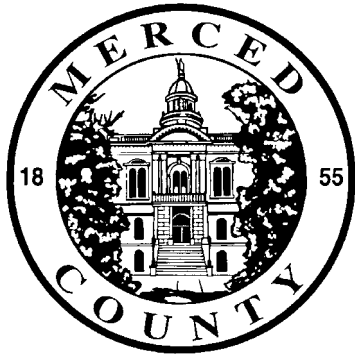
10:30 A.M. SCHEDULED ITEM

2002-11-12 ASSESSOR – PROPOSED ORDINANCES

The time and date previously set to consider Proposed Ordinance providing for Reassessment of Property Damaged or Destroyed by Misfortune or Calamity (Amends Ordinance No. 1433 and Code Chapter 5.16) and Proposed Ordinance providing for Notice of Escape Assessment of Property under Revenue and Taxation Code Section 531, 534 and 1605.

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

The Chairman advises the public hearing is continued until December 3, 2002 at 10:30 a.m.
Present: Rivero, Cortez Keene, Crookham, Kelsey, O'Banion



A G E N D A

MERCED COUNTY IN-HOME SUPPORTIVE SERVICES (IHSS) PUBLIC AUTHORITY

**Regular Meeting
TUESDAY, NOVEMBER 12, 2002
11:00 A. M.**

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ADMINISTRATION BUILDING
2222 "M" STREET
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MERCED, CALIFORNIA 95340
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The Agenda is available online at www.co.merced.ca.us

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE
INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE

Members of the public are advised that all pagers, cellular telephones and any other communication devices are to be turned off upon entering the Board Chambers

11:00 A. M.

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 (Testimony limited to five minutes per person)

PUBLIC AUTHORITY ACTION

IN-HOME SUPPORTIVE SERVICES (IHSS) PUBLIC AUTHORITY

(1) Adopt Resolution to establish the IHSS Public Authority Employee-Employer Relations Policy.

(2) Approve the Registration of the United Domestic Workers of America (UDW) and adopt Resolution.

(3) Reappoint John Mowrer and Pegg Eyerman on the IHSS Advisory Committee until July 1, 2005.

(4) Authorize Human Services Agency to recruit for a public or private sector provider for the IHSS Advisory Committee

REVIEW BOARD ORDER – SEE PAGE 13

APPROVED RECOMMENDATION AYES: ALL

**BOARD ORDERS – SUMMARY ACTION MINUTES – NOVEMBER 12, 2002
MERCED COUNTY IN-HOME SUPPORTIVE
SERVICES (IHSS) PUBLIC AUTHORITY**

11:00 A.M. SCHEDULED ITEM
2002-11-12 IN-HOME SUPPORTIVE SERVICES

The Board recesses as a Board of Supervisors and meets as a Merced County In-Home Supportive Services (IHSS) Public Authority.

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

Jorge Rivera, Regional Director for United Domestic Workers Union, briefly reviews the employee-employer relations policy and requests the Board waive the period relative to collective bargaining process.

Assistant County Executive Officer Bev Morse appears before the Board, responds to concerns and reviews the Staff Report. She states there is no deadline in the registration of the employee organization.

Following a lengthy discussion, Supervisor Cortez Keene moves, seconded by Supervisor Rivero, the Board modify Section 11, Paragraph D to read “calendar days” rather than working days.

The Chairman calls for a Vote on the Motion. Motion Fails.

Ayes: Cortez Keene, Rivero

Noes: Crookham, Kelsey, O’Banion

Following further discussion and upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board establishes the In-Home Supportive Services Public Authority Employee-Employer Relations Policy; approves the Registration of the United Domestic Workers of America (UDW); reappoints John Mowrer and Pegg Eyerman to service as members of the IHSS Advisory Committee until July 1, 2005 and authorizes Human Services Agency to recruit for a public or private sector provider for the IHSS Advisory Committee and adopts Resolution No. 2002-02 (IHSS-Employee Employer Relations Policy) and 2002-03 (IHSS-Registration of UDW).

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