

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, APRIL 08, 2003

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
CHAIR KATHLEEN M. CROOKHAM....DISTRICT 2
MICHAEL G. NELSON.....DISTRICT 3
DEIDRE F. KELSEY....DISTRICT 4
JERRY O'BANION.....DISTRICT 5
Lydia A. Beiswanger, Chief Clerk

DEMITRIOS O. TATUM
COUNTY EXECUTIVE OFFICER

RUBEN E. CASTILLO
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 REAL PROPERTY NEGOTIATOR: It is the intention of the Board to meet in Closed Session concerning a Conference with County Executive Officer-Real Property Negotiator(s) pursuant to Section 54956.8 as follows:
County Administrative Facilities

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 Raptor Rescue Center v. County of Merced (Pacific Com-Tech Park); Merced County Superior Court No. 146533
REVIEW BOARD ORDER – SEE PAGE 8

10:00 A. M.

PLEDGE OF ALLEGIANCE

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: Bhupinder Sahota

UC MERCED PROJECT - LIAISON REPORT

NO REPORT

APPROVAL OF CONSENT AGENDA CALENDAR (Item # 1 - 24)

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 A GRANT PROPOSAL TO END CHRONIC HOMELESSNESS BY MENTAL HEALTH AND PLACES THE ITEM ON THE AGENDA FOR CONSIDERATION
AYES: ALL

10:30 A. M.

FIRE - PROPOSED ORDINANCE - FIRST READING - SET SECOND READING AND POSSIBLE ADOPTION FOR APRIL 15, 2003 AT 10:30 A.M.

An Ordinance to amend Uniform Fire Code (Amends Ordinance No. 1618 and Code Section 9.24.010 and Section 9.24.280)

REVIEW BOARD ORDER – SEE PAGE 8

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items # 1 - 24)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Authorize Winton Spring Festival Committee to use Winton County Park from April 23 through 28, 2003 for Annual Festival and Loyalty Parade; waive restriction on use of amplified sound equipment; authorize sale of beer to the public and waive restriction of animals in the park for pony rides and demonstration purposes subject to conditions.

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2. Waive restriction on use of amplified sound equipment by the Gonzalez Family on April 26, 2003 at Hagaman Park (Pit #1).

3. Waive restriction on use of amplified sound equipment by Joseph Gallo Farms on May 4, 2003 at Hagaman Park (Mahoney Picnic Shelter and Pit #1) for Annual Company Picnic.
4. Authorize use of Le Grand Community Park by Our Lady of Lourdes Church on May 4, 2003 for Annual Fiesta and waive restriction on use of amplified sound equipment.
5. Waive restriction on use of amplified sound equipment by the Carillo Family on May 24, 2003 at Hagaman Park (Pit #1)
6. Authorize Merced B.P.O. Elks Lodge 1240 request to use Courthouse Park facilities on July 26, 2003 for Annual Car Show; waive restriction on use of amplified sound equipment; authorize use of electrical outlets located at the base of the Old Courthouse steps and authorize closure of N Street south of West 21st and north of West 20th.
7. Proclaim the month of May, 2003 as National Bike Month in the County of Merced.
8. Approve and authorize Public Works Director to sign Amendment to Contract No. 10249 with URS Corporation for the Campus Parkway Project.
9. Approve and authorize Chairman to sign Amendment to Contract No. 2001290 with Alta Apiaries for approximately two acres located in the north central portion of the abandoned Belcher Road Correctional Facility, north side, for the temporary storage and removal of Bee Hives used for the raising of bees for pollination and other apiarian purposes.

Public Works-Castle

10. Approve Castle Airport Sublease Agreement and Consent to Assignment of Sublease Agreement with Joe/Linda Mayfield and William L. Day dba Castle Smog and Repair.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003055 AYES: ALL
11. Approve Castle Airport Sublease with Browning Ferris Industries for use of Building No. 88 for vehicle parking and maintenance purposes.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003056 AYES: ALL

Health

12. Approve and authorize Chairman to sign Amendment to Contract No. 2001278 with California Forensic Medical Group to extend the contract and incorporate medical care services for Juvenile Hall.

Mental Health

13. Approve and authorize Chairman to sign Renewal Contract No. 99087 with Milhouse Children Services for specialty mental health services for children as an organizational provider.

Sheriff

14. Authorize one Correctional Officer I/II Overhire (Position #80) in Corrections due to Operation Enduring Freedom military action.
15. Approve and authorize Chairman to sign Renewal Contract No. 9731 with Jose and Salvador Walle for office space for the Sheriff Winton Community Law Enforcement Office.

Human Services Agency

- 16. Approve and authorize Chairman to sign Amendment to Contract No. 10388 with Central Sierra Lifeline, Administrators for Lifeline Services, Inc. to provide communication/translation and communication devices for the Multipurpose Senior Citizens Program and the Linkages Program.
- 17. Approve name change of Contract No. 10062 from Buchanan and Snider, MSP, LLC to Chae Sun Lee effective March 1, 2003.
- 18. Approve and authorize Chairman to sign Amendment to Contract No. 200297 with Valley Caregiver Resource Center to increase funds to provide additional client services and authorize Area Agency on Aging Director to sign subsequent amendments to contract within the contract budget amount subject to Auditor and Counsel review.
- 19. Proclaim April, 2003 as "Child Abuse Prevention Month" in Merced County.

Child Support Services

- 20. Authorize retro reclassification increase for Julie Estes (Position #87) from Pay Period 5-February 11, 2002 to Pay Period 5-February 10, 2003.

Dept. of Workforce Investment

- 21. Approve and authorize Chairman to sign Renewal Contract No. 9673 with State Employment Development Department for Labor Market Information Survey Agreement.

Budget Transfers

- 22. Approve Budget Transfers submitted by Sheriff-\$104,534 and MCAG-\$8,770 as recommended by Executive Office.

Board Recognition

- 23. Authorize Certificate of Recognition to the following individuals honored for their contributions to their communities during Women's History Month: Martha Nateras - Livingston, Esther Mowery - Merced, Betty Trauba - Los Banos, Irma Peters - Planada, Kelly Thomas - Winton, Sylvia Nelson - Atwater, Pat Rocha - Gustine, Amanda Gosling - Dos Palos and Jenifer Schaper - Hilmar.
- 24. Authorize Certification of Recognition to Child Advocates of Merced County for National Child Abuse Prevention and Awareness Month during April, 2003.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

- 25. Contract with Schmidt Geomatic Mapping, Inc. for Aerial Photogrammetric work for Merced County Solid Waste Landfills.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003054 AYES: ALL

26. Contract with Delhi Unified School District to reimburse the District with funds from Delhi Parkland Dedication Funds and Special Board Project Funds-District No. 4.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003058 AYES: ALL

27. Resolution authorizing Public Works Director to sign associated documents and submission of Grant Application for un-obligated Airport Capital Improvement Program (ACIP) funds to the Federal Aviation Administration and to the Office of Aviation, Calif. Dept. of Transportation for a 5% matching grant and return to the Board to process grant acceptance documents.

ADOPTED RESOLUTION NO. 2003-58 AND APPROVED RECOMMENDATIONS AYES: ALL

PROBATION

28. Contract with Merced County Jail Ministry to provide educational, counseling and religious services to minors confined at Juvenile Hall.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003059 AYES: ALL

DISTRICT ATTORNEY

29. Authorize Trade-in of GLOCK 22 pistols and acquisition and trade in with GLOCK 23 pistols and authorize General Services Director to negotiate and sign Contract with L.C. Action Police Supply.

APPROVED AS RECOMMENDED AYES: ALL

30. PULLED

SHERIFF

31. Acceptance of donation of two electrical cars from the Evercom Corporation.

APPROVED AS RECOMMENDED AYES: ALL

32. Contract with Deputy Sheriff Tim Smith for purchase of canine named Holly as new members of the Merced County Sheriff Department Canine Unit and authorize Sheriff Mark Pazin to sign Canine (K-9) Program Employee Agreement with Deputy Sheriff Tim Smith for guidelines for the use of Sheriff Department Canine(s).

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003060 (Tim Smith) AND NO. 200313 (Canine Program) AYES: ALL

HUMAN SERVICES AGENCY

33. Amendment to Contract No. 99111 with Area Agency on Aging to increase the contract amount in the Linkages and Respite Program and approve the necessary budget transfers.

APPROVED AS RECOMMENDED AYES: ALL

34. Authorize release of Request for Proposal for Congregate Nutrition and Home Delivered Nutrition Programs and return to the Board for approval.

APPROVED AS RECOMMENDED AYES: ALL

35. Authorize release of Request for Proposal for Alzheimer's Day Care Resource Center Program and return to the Board for approval.

APPROVED AS RECOMMENDED AYES: ALL

GENERAL SERVICES

36. Memorandum of Understanding with Mosquito Abatement District to provide auction related services understanding outside agencies are responsible for delivery of surplus items and disposition of any unsold items.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003061 AYES: ALL

SPRING FAIR

37. Resolution establishing a Non-Revolving Line of Credit with County Bank, Los Banos to provide payment to sellers of the Jr. Livestock Auction in connection with the Merced County Spring Fair, funds to be repaid as payments are received from buyers; loan for a maximum of \$550,000 to mature on 9/10/03 and bear an interest rate set at prime which is currently 6% and have a loan cost of \$350 understanding interest is to be donated back to the Fair after redemption and authorize the Auditor to issue the change fund for operation and to sign the necessary loan documents.

ADOPTED RESOLUTION NO. 2003-59 AND APPROVED RECOMMENDATION

AYES: ALL

AUDITOR-CONTROLLER

38. Approve a Line of Credit in the amount of \$150,000 to the Merced County Spring Fair to operate the Fair and Junior Livestock Auction; loan for period of April 15, 2003 through September 30, 2003 and for the period of October 1, 2003 through February 28, 2004 the line of credit will be reduced to \$40,000 with both loans to bear an interest rate equal to the Treasury rate of approximately 3.5% on the unpaid balance per annum.

APPROVED AS RECOMMENDED AYES: ALL

PLANNING

39. Authorize county participation by the Planning and Community Development Department in the South Merced Strategic Plan and planning process and appoint Supervisors Cortez Keene and Crookham to serve on the Strategic Planning Task Force.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

40. The Health Insurance Portability and Accountability Act of 1996 (HIPAA) - Designation of departments and programs as covered entities according to HIPAA requirements; designation of County Privacy Officer; adoption of HIPAA Policies and Procedures Reference Manual; authorize development of Business Associate Agreement(s)/MOU as required and establish one position in County Counsel's Office.

REVIEW BOARD ORDER - SEE PAGE 9 AND 10

ADOPTED RESOLUTION NO. 2003-60 AND MODIFIED RECOMMENDATION

AYES: ALL

BOARD APPOINTMENTS

41. District Four - Delhi Municipal Advisory Council.

REAPPOINTED ELAINE BORNMANN AND MARIANNE SWIERSTRA TO SERVE AS MEMBERS OF THE DELHI MUNICIPAL ADVISORY COUNCIL UNTIL JANUARY 3, 2007.

- 42. District Four - Hilmar Municipal Advisory Council.
REAPPOINTED PETER STAVRIANOUDAKIS TO SERVE AS A MEMBER OF THE HILMAR MUNICIPAL ADVISORY COUNCIL UNTIL MAY 3, 2005.
- 43. District Four - Winton Municipal Advisory Council.
REAPPOINTED CAROL BONIN AND SAL WALLE TO SERVE AS MEMBERS OF THE WINTON MUNICIPAL ADVISORY COUNCIL UNTIL MARCH 31, 2007.
- 44. Merced County Children and Families First Commission.
APPOINTED ANA PAGAN AND TIMOTHY LIVERMORE, M.D. TO SERVE AS MEMBERS OF THE MERCED COUNTY CHILDREN AND FAMILIES FIRST COMMISSION AT THE PLEASURE OF THE BOARD.

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

- 45. Human Services Agency re: Report of Persons Receiving Public Assistance for January 2003.
- 46. City of Merced re: Certified copy of the Public Financing Authority Resolution No. PFA 2003-2 titled as follows - A Resolution of the City of Merced Public Financing Authority, California, Adopting Conflict of Interest Code for the City of Merced Public Financing Authority.
- 47. Governor's Office of Criminal Justice Planning re: Public Notice - California Children's Justice Act Task Force Meeting.
- 48. State Water Resources Control Board re: Petition for Temporary Change of Place of Use-Year 2003 Transfer of up to 6,300 acre-feet from Tulare Lake Basin Water Storage District to Westlands Water District.
- 49. U.S. Dept. of Justice re: Copy of Principles and Promises: BJA's Plan for the Future. (On file with Clerk)
- 50. U.S. Census Bureau re: Reminder - 2003 Boundary and Annexation Survey status request.

ADOPTED RESOLUTION AND ADJOURNED MEETING IN MEMORY OF ROBERT VENABLE AND EL DORADO COUNTY SUPERVISOR CARL BORELLI UNTIL TUESDAY, APRIL 15, 2003 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – APRIL 8, 2003

8:30 A. M. CLOSED SESSION

2003-04-08 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 Raptor Rescue Center v. County of Merced (Pacific Com-Tech Park); Merced County Superior Court No. 146533.

The Chairman reads a statement into the record as follows: The Board took action to unanimously approve a settlement agreement that (1) reverses prior approvals of the Pacific Com-Tech Park, (2) releases the County from liability, and (3) provides for payment of attorney fees by MAG Limited Partnership.

Present: Crookham, Cortez Keene, Nelson, Kelsey, O'Banion

10:00 A.M. ADDED AGENDA ITEM

2003-04-08 MENTAL HEALTH

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board finds the need arose, subsequent to the posting of the agenda, to consider a Grant Proposal to end Chronic Homelessness and places the item on the agenda for consideration.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board approves and authorizes submission of a Grant Application "Collaborative Initiative to end Chronic Homelessness" for funding through the U.S. Interagency Council on the Homeless with the understanding the Department will return to the Board for final acceptance of the Award.

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

10:30 A.M. SCHEDULED ITEM

2003-04-08 FIRE

The time and date previously set for the First Reading of a Proposed Ordinance to Adopt by Reference the 2000 Edition of the Uniform Fire Code (Supercedes Ordinance No. 1618 and Amends County Code Section 9.24.010 and Section 9.24.280) submitted by Fire.

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

Upon motion of Supervisor Crookham, seconded by Supervisor Kelsey, duly carried, the Board waives further reading of Proposed Ordinance to adopt by reference the 2000 Edition for the Uniform Fire Code (Supercedes Ordinance No. 1618 and amends County Code Section 9.24.010 and Section 9.24.280) and sets second reading and possible adoption for April 15, 2003 at 10:30 a.m.

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

CONSENT ITEM NO. 1

2003-04-08 PUBLIC WORKS

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board authorizes the Winton Spring Festival Committee to use Winton County Park from April 23-28, 2003 for the Annual Spring Festival; waives the restriction on amplified sound equipment for the dance bands; authorizes the sale of beer to the public; waives restriction of animals in the park for the pony rides and demonstration purposes subject to the following conditions:

1. The Winton Spring Festival Committee to provide the County of Merced with a Certificate of insurance certifying liability and property damage insurance coverage of a minimum of one million dollars (\$1,000,000.00) combined single limits for all activities to be conducted at the Park.
2. The Winton Cowboys non-profit organization is to provide the County of Merced with a Certificate of Insurance certifying liability coverage, including liquor liability insurance, or a minimum of one million dollars (\$1,000,000) combined single limits to cover the sale of alcoholic beverages to the general public. All Certificates of Insurance must include the endorsement "County of Merced, its agents, officers, and employees are additional insureds."
3. The sale of alcoholic beverages shall comply with the rules, regulations, and requirements of the California State Dept. of Alcoholic Beverage Control.
4. The carnival operator shall have valid permits and inspection certificates required by the State of California to operate this type of business.
5. The Committee shall provide additional portable restroom facilities as may be needed, at no cost to the County of Merced.
6. Contract with the Sheriff's Department for security personnel, or should private security be used, the Sheriff's Department will need to approve the firm used and coordinate its activities.
7. Provide additional refuse bins as may be required or arrange for the daily removal of refuse.

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

ACTION ITEM NO. 40

2003-04-08 EXECUTIVE OFFICE

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board takes the following actions relative to The Health Insurance Portability and Accountability Act of 1996 (HIPPA):

1. Designate the following departments and programs as covered entities according to HIPPA requirements: Health, Mental Health, Multipurpose Senior Services Program-HSA, Risk Management and Revenue and Reimbursement.
2. Designate County Counsel or designee as the County Privacy Officer.

3. Approve and adopt HIPAA Policies and Procedures Reference Manual and authorize the County Executive Officer and County Counsel the authority to make changes to amend as necessary but with the information to come back to the Board for ratification after the fact.
4. Authorize the County Executive Officer and County Counsel to execute any Business Associate agreements required under the HIPPA Regulations.
5. Direct County Counsel to develop a single Interdepartmental Business Associate Agreement/MOU for impacted County Departments execution.
6. Establish the classification of Legal Research and Compliance Specialist, Range 66.9 and allocate one said position to BU 12500-County Counsel and adopt Resolution No. 2003-60.

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