



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, MAY 06, 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 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: One Case

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Subdivision (f) of Section 54957.6 concerning Conference with County of Merced Staff Negotiator(s) concerning health care plan with American, Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; Independent Employees of Merced County (IEMC), Unit 3; Merced County Lawyers Association, Unit 7; Merced County Sheriff Employee Association (MCSEA), Unit 2; Merced County Law Enforcement Sergeants, Unit P and Deputy Sheriff Association, Unit 10

THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED STAFF WAS GIVEN DIRECTION

10:00 A. M.

PLEDGE OF ALLEGIANCE

PRESENTATION

Comcast – Update

**REVIEW BOARD ORDER – SEE PAGE 8
RECEIVED REPORT AND UPDATE**

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) Human Services Agency-Area Agency on Aging- \$1,550 and Auditor-Debt Serv-Justice Facility- \$5,135,000

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 30)

APPROVED AS RECOMMENDED AYES: ALL

PROCLAMATION - COMMUNITY ACTION MONTH

The Chairman presents Proclamation to Community Action Agency Executive Director Harry Dull

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

ADDED AGENDA ITEM:

REVIEW BOARD ORDER – SEE PAGE 8 AND 9

THE BOARD FINDS THE NEED TO CONSIDER POSSIBLE ACTION ON A BUDGET TRANSFER FROM RISK MANAGEMENT AND PLACES THE ITEM ON THE AGENDA FOR CONSIDERATION AYES: ALL

10:30 A. M.

BUSINESS-ECONOMIC OPPORTUNITIES – PUBLIC HEARING – FIRST READING - SET SECOND READING AND POSSIBLE ADOPTION FOR MAY 13, 2003 AT 10:30 A.M.

To consider Amendment to Ordinance No. 1528 and extend by six months the Grant to Comcast of San Joaquin, Inc., a non-exclusive franchise to construct, operate and maintain a cable television system in the unincorporated territories in the County of Merced and providing terms and

conditions for the operation of such system and providing fees therefore

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 - 30)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve Planada Community Day Committee request to waive restriction on use of amplified music for Planada Community Day Parade and Festival set for May 10, 2003.
2. Approve relief of shortage of the Parks Division Petty Cash Fund of \$50.00 to be used for the collection of vehicle admission fees at Lake Yosemite Park.
3. Approve and authorize Public Works Director to sign Amendment to Contract No. 99126 with Kleinfelder, Inc. for changes in scope of work for the Merced County Transit Facility at County Center III.
4. Approve plans and specifications for Merced Veterans Hall Repair - Phase I for rewiring the electrical panel and authorizes Public Works to advertise for competitive bids and award as long as cost is within the amount approved; authorize Public Works Director to sign contracts necessary for completion of this project and direct Public Works to return to the Board of all actions taken.
5. Set public hearing for June 10, 2003 at 10:30 a.m. to consider the following:
 - An Ordinance to amend the Improvement Plan Review and Construction Inspection Fee (Amends Ordinance No. 1635 and County Code Section 6.08.030.D3), and
 - An Ordinance adding County Surveyor Fees for processing and examining parcel maps, subdivision maps and record of survey maps (Rescinds Ordinance No. 1427 and adds Chapter 17.40), and
 - An Ordinance amending Encroachment Permit Fees to revise specific requirements for permit and subdivision approval (Amends Ordinance Nos. 1439, 1321 and 1257 and County Code Section 16.08).
6. Set public hearing for June 10, 2003 at 10:30 a.m. to consider a Resolution authorizing Merced County to charge a Fee for the issuance of Transportation Permits (Supercedes Resolution No. 91-379).
7. Set public hearing for June 10, 2003 at 10:30 a.m. to consider Resolution concerning the Planning and Community Development Department's Development Review Fees (Supercedes Resolution No. 96-32).
8. Set public hearing for June 10, 2003 at 10:30 a.m. to consider User Charge Rates for Zones of Benefit for FY 2003/2004 County Service Area Number One proposed ordinance (Repeals Ordinance No. 1676).
9. Set public hearing for June 10, 2003 at 10:30 a.m. to consider a Resolution creating the Franklin-Beachwood Bridge and Major Thoroughfare Area of Benefit setting fees to defray

the cost of roadway improvements necessary as a direct result of anticipated growth within the Franklin-Beachwood study area.

Budget Transfer

10. Approve Budget Transfers submitted by Ag. Commissioner-Animal Control Division-\$1,215, Public Works-\$0 (#070) and Health (SCEAP)- \$56,282 and \$29,758 as recommended by Executive Office.

Human Services Agency

11. Proclaim May, 2003 as "Veterans Appreciation Month" in the County of Merced.
12. Proclaim May, 2003 as "Employment and Training Professionals Awareness Month" in Merced County.
13. Approve and authorize Chairman to sign Renewal Contract No. 2001159 with Children's Services Network, Inc. for Stage 1 Childcare.
14. Approve and authorize Chairman to sign Renewal Contract No. 2000257 with Lao Family Community, Inc. to provide CalWORKs activities.
15. Approve and authorize Chairman to sign Amendment to Contract No. 9966 with A Woman's Place for CalWORKs funding.

Sheriff

16. Approve and authorize Chairman to sign Renewal Contract No. 10235 with Merced County Jail Ministry Services for services provided to the inmates housed in the correctional facilities.
17. Approve and authorize Chairman to sign Addendum to Contract No. 9517 with Hilmar Cheese Company for Hilmar CLEO office space.

Community Action Agency

18. Approve and authorize CAB Chair to sign Renewal Contract with United Methodist Church for Livingston Head Start Center.
19. Approve and authorize CAB Chair to sign Renewal Contract with Merced River School District for Hopeton/Snelling Head Start Center.
20. Approve and authorize CAB Chair to sign Contract with Winton School District for the Winton Head Start Program located at Sybil Crookham Elementary School Grounds.
21. Approve and authorize CAB Chair to sign Contract with Merced Community College District for Los Banos Head Start Program.
22. Approve and authorize CAA to submit a Grant Application to State Head Start Region IX for Mentor Coaching and Cluster Training Funding in the amount of \$11,750.
23. Approve and authorize CAA to submit to the State Department of Education an Application for One-Time-Only Playground Compliance Funding for Playground Renovations at three Child Development and State Preschool Centers.
24. Approve and authorize CAB Chair to sign Contract with State Dept. of Community Services & Development for 2003-2004 Weatherization Assistance Program for Merced/Madera Counties.

ADOPTED RESOLUTION NO. 2003-70

25. Approve and authorize CAB Chair to sign Contract with State Dept. of Community Services and Development to support Fatherhood Initiative Planning and Capacity Building Project.
26. Accept and place CAA Information, Staff and Committee Reports on file.

Fire

27. Proclaim May 5 through 11, 2003 as "Wildlife Awareness Week" in Merced County.

Counsel

28. Approve and authorize Chairman to sign Contract with Porter Scott Weiberg & Delehant for Special Legal Services.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003076

Board Recognition

29. Proclaim May 1, 2003 as "Annual Law Day" in the County of Merced.
30. Authorize Certificate of Recognition to Norman Herman in honor of the Kiwanis Club naming the Kiddie Land Concession Building "Norman Herman Concession".

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

31. Approve recommended List of Priorities for the Safe Routes to School Application for the Fourth Cycle due May 30, 2003.

REVIEW BOARD ORDER – SEE PAGE 9

APPROVED AS RECOMMENDED AYES: ALL

32. Authorize replacement of carpet at the Marie Green Psychiatric Health Facility in the Brite Unit Day Room area due to safety concerns with a more suitable combination of vinyl tile and carpet; approve necessary budget transfer-\$20,000 (#073); authorize issuance of Request for Proposal for purchase of carpeting and vinyl tile under the Calif. Multiple Award Schedule Contract and authorize Public Works to enter into agreement with lowest responsible bidder to return to the Board with final results.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

33. Authorize submission of 2003 State Criminal Alien Assistance Program (SCAPP) administered by the Bureau of Justice Administration and Department of Justice through the computerized INTERNET application process for 2003 Funding.

APPROVED AS RECOMMENDED AYES: ALL

FIRE

34. Authorize Office of Emergency Services to continue coordinating with State Homeland Security Grant Program and apply for FY 2003 Grant process funded through U.S. Dept. of Justice.

APPROVED AS RECOMMENDED AYES: ALL

PLANNING

35. PULLED

EXECUTIVE OFFICE

36. Authorize negotiation of contract with Law Firm of Morse, Pfeiff and Garcia for indigent defense services and to return to the Board within 30 days.

APPROVED AS RECOMMENDED AYES: ALL

37. Approve the Executive Management Pay for Performance Plan for A Level Managers and authorize implementation schedule as of FY 2003-04.

APPROVED AS RECOMMENDED AYES: ALL

38. CSAC Excess Insurance Authority Health Program Memorandum of Understanding (MOU).

REVIEW BOARD ORDER – SEE PAGE 9

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

39. Contract with Great Valley Center for provision of up to two Fellows to study the impact of agricultural farmland loss within the County and to identify practical solutions and authorize use of Special Board Project Funds-District Four for the study.

REVIEW BOARD ORDER – SEE PAGE 10

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

40. District One - Library Advisory Commission.

APPOINTED BONNIE KEY UNTIL AUGUST 31, 2006 AND REAPPOINTED ERLENE ELAM UNTIL AUGUST 31, 2005, REPRESENTING DISTRICT ONE, TO SERVE AS MEMBERS OF THE LIBRARY ADVISORY COMMISSION AYES: ALL

41. District Three - Library Advisory Commission.

APPOINTED ED MENTZ SR., REPRESENTING DISTRICT THREE, TO SERVE AS A MEMBER OF THE LIBRARY ADVISORY COMMISSION UNTIL AUGUST 31, 2006 AYES: ALL

42. District Four - Library Advisory Commission.

APPOINTED VELMA STEPHENS UNTIL AUGUST 31, 2004, BOB OLSON UNTIL AUGUST 31, 2003 AND REAPPOINTED CATHERINE WEBER UNTIL AUGUST 31, 2003, REPRESENTING DISTRICT FOUR, TO SERVE AS MEMBERS OF THE LIBRARY ADVISORY COMMISSION AYES: ALL

43. District Four - Hilmar Municipal Advisory Council.

REAPPOINTED LEWIS BUNDGARD, REPRESENTING DISTRICT FOUR, TO SERVE AS A MEMBER OF THE HILMAR MUNICIPAL ADVISORY COUNCIL UNTIL MAY 3, 2006 AYES: ALL

44. District Five - Library Advisory Commission.

REAPPOINTED PHYLLIS KINNEY, REPRESENTING DISTRICT FIVE, TO SERVE AS A MEMBER OF THE LIBRARY ADVISORY COMMISSION UNTIL AUGUST 31, 2003 AYES: ALL

45. Airport Land Use Commission - Board Appointee.
REAPPOINTED ANTHONY WHITEHURST TO SERVE AS A MEMBER OF THE AIRPORT LAND USE COMMISSION UNTIL MAY 2, 2006 AYES: ALL
46. Workforce Investment Board.
APPOINTED THOMAS TSUBOTA, PRIVATE SECTOR REPRESENTATIVE, TO SERVE AS A MEMBER OF THE WORKFORCE INVESTMENT BOARD UNTIL JUNE 30, 2007 AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

47. Merced Transportation Company re: Notification under the provisions of the Worker Adjustment and Retraining Notification Act - layoffs at Merced Transportation, approximately 46 workers will be reduced in force.
48. Congressman Devin Nunes re: Response regarding increased water shortage on the Upper San Joaquin River.
49. Justice Benefits International re: Working definition of an eligible criminal illegal alien incarcerated and eligible for State Criminal Alien Assistance Program (SCAAP) payment change.
50. Verizon Wireless re: Notification Letter for Chowchilla of California RSA No. 4 Limited Partnership.
51. California Health Collaborative re: It's Up To Me to prevent Teen Pregnancy campaign continues in its efforts to prevent teen pregnancy in California.
52. State Board of Equalization re: California Code of Regulations, Title 18, Public Revenues, Property Tax, Amend Rule 462.180 - Transfers of ownership interests in legal entities - notice of public hearing to be held on May 28, 2003. (On file with Clerk)
53. State Board of Equalization re: State Assessment Manual adopted on March 26, 2003. (On file with Clerk)
54. Lake County Board of Supervisors re: Resolution of the Lake County In-Home Supportive Services (IHSS) Public Authority opposing AB 1470 and SB 936.
55. Calif. Technology, Trade and Commerce Agency re: Notebook Information that will inform about the next round of Base Realignment and Closure in 2005, strategic land use encroachment impacting California's military installations, general financial figures that describe the economic impact of the Dept. of Defense and the Defense-Industrial complex upon the State of California and its counties and the spheres of political influence tied to the defense industry. (On file with Clerk)
56. State Fish and Game Commission re: Notice of Meeting on May 7, 2003.

ADOPTED RESOLUTION AND ADJOURNED THE MEETING IN MEMORY OF JAMES NUTT UNTIL TUESDAY, MAY 13, 2003 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – MAY 6, 2003

10:00 A. M. SCHEDULED ITEM

2003-05-06 PRESENTATION – COMCAST CABLE

Scott Barbee, Vice President and General Manager of Comcast-Fresno Region presents a Video Update and reviews the Comcast background information, highlights of recent changes and provides information on the pending infrastructure upgrade plans.

Discussion is had on the service and the area north of the County rather than the Fresno area.

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

10:30 A.M. SCHEDULED ITEM

2003-05-06 BUSINESS-ECONOMIC OPPORTUNITIES – PUBLIC HEARING

The time and date previously set for the public hearing to consider Amendment to Ordinance No. 1528 and extend by six months the Grant to Comcast of San Joaquin, Inc., a non-exclusive franchise to construct, operate and maintain a cable television system in the unincorporated territories in the County of Merced and providing terms and conditions for the operation of such system and providing fees therefore submitted by Business-Economic Opportunities.

Business-Economic Opportunities Director John Fowler reviews the staff recommending the extension of the Santa Nella franchise agreement for another six months so that renewal negotiations can continue between the County and Comcast.

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 the proposed ordinance To consider extending by six months the Grant to Comcast of San Joaquin, Inc., a non exclusive franchise to construct, operate and maintain a cable television system in the unincorporated territories in the County of Merced and providing terms and conditions for the operation of such system and providing fees therefore and sets second reading and possible adoption for May 13, 2003 at 10:30 a.m.

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

10:00 A.M. ADDED AGENDA ITEM

2003-05-06 EXECUTIVE OFFICE

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board finds the need arose, subsequent to the posting of the agenda, to consider possible action

on a budget transfer from Risk Management and places the item on the Agenda for Board consideration.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board approves the Budget Transfer in the amount of \$5,500 from Risk Management as recommended by the Executive Office.

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

ACTION ITEM NO. 31

2003-05-06 PUBLIC WORKS

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board approves the recommended List of Priorities for the Prioritization of Safe Routes to School Application for the Fourth Cycle to be submitted to Caltrans by May 30, 2003 as follows:

1. Sidewalk & Turnout – Sybil N. Crookham Elementary School, Winton
2. Sidewalk – Franklin Elementary School, Merced
3. Flashing Beacons – Merquin Elementary School, Stevinson and Cesar E. Chavez, Planada as a combined application.
4. Sidewalk and Flashing Beacons – Le Grand High School, Le Grand
5. Sidewalk – El Capitan Elementary School, Delhi
6. Sidewalk – McSwain School, Atwater

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

ACTION ITEM NO. 38

2003-05-06 EXECUTIVE OFFICE

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board takes the following action relative to the CSAC Excess Insurance Authority Health Program Memorandum of Understanding:

Approves and authorizes Chairman to sign Contract No. 2003072 (Memorandum of Understanding) with CSAC Excess Insurance Authority for the purpose of forming a joint powers entity to provide healthcare coverage in the most cost effective way possible subject to final review and approval by Counsel and the CEO;

Approves Amendment to Contract No. 2003073 with Coalition of Unions to reflect the change from Blue Cross to Excess Insurance Authority (EIA) amending the Health Insurance Agreement and authorize the Assistant CEO to sign;

Authorize Risk Management to send a notice to Blue Cross indicating our plan to terminate participation in their health care plan effective midnight, June 31, 2003; and,

Authorize Chairman to sign Contract No. 2003074 with EIA for Member Participation Agreement to include a January, 2003 start date on the EIA Prescription Drug Plan and to include the provision for capping Merced County's rates to not exceed 15% increase for 2004.

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

ACTION ITEM NO. 39
2003-05-06 BOARD OF SUPERVISORS

Bryant Owens appears before the Board and questions the need to go out and hire Fellows outside of Merced County when Merced County has existing staff that compiles this data based on the county general plan and annual reports.

Following discussion and upon motion of Supervisor Cortez Keene, seconded by Supervisor Kelsey, duly carried, the Board approves and authorizes County Counsel to prepare a contract between the County and the Great Valley Center for the provision of up to two Fellows to study the impact of agricultural farmland loss within the County and to identify practical solutions, authorize the use of up to \$4,000 of Special Board Project Funds-District Four for the study and authorize Counsel to return to the Board for Board approval.

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