



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, JUNE 08, 2004

Closed Session – 3:15 p.m.

Regular Meeting – 6:00 p.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
MICHAEL G. NELSON.....DISTRICT 3
CHAIR 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

3:15 P. 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 - 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: Building Industry Association of Central California, Inc. v. Los Banos Unified School District, Case No. 147440 and Stephanie Carranza et al v. County of Merced, et al, Case No. 146183

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Subdivision (f) of Section 54957.6 concerning a Conference with County of Merced Staff Negotiators concerning negotiations 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 Sheriff Employee Association (MCSEA), Unit 2; Merced County Law Enforcement Sergeants, Unit P and Deputy Sheriff Association, Unit 10

THE BOARD RECESSED AT 3:15 P.M. AND RECONVENED AT 6:00 P.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED THERE WERE NO REPORTABLE ITEMS

6:00 P. M.

PLEDGE OF ALLEGIANCE

PRESENTATIONS:

Merced Recycling Coalition - Curbside Recycling Program services

REVIEW BOARD ORDER – SEE PAGE 11

Mercy Medical Center Merced - David Dunham, CEO

REVIEW BOARD ORDER – SEE PAGES 11 AND 12

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)

REVIEW BOARD ORDER – SEE PAGE 12

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Health-\$2,000 and \$105,800; Probation-\$750, \$300 and \$250 Public Works-\$22,000; Risk Management-\$25,000; Sheriff-\$550, Mental Health-\$65,000 and Castle Airport-\$7,186

APPROVED RECOMMENDATION AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 47)

APPROVED RECOMMENDATION AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

ADDED AGENDA ITEM:

REVIEW BOARD ORDER – SEE PAGES 12 AND 13

THE BOARD FINDS THE NEED TO CONSIDER DECLARATION OF JUNE 11, 2004 AS A DAY OF REMEMBRANCE IN HONOR OF FORMER PRESIDENT REAGAN AROSE SUBSEQUENT TO THE POSTING OF THE AGENDA AND PLACES THE ITEM ON THE AGENDA FOR CONSIDERATION AYES: ALL

6:00 P. M.

SHERIFF - PUBLIC HEARING – PROPOSED ORDINANCE - SECOND READING AND POSSIBLE ADOPTION

To consider proposed ordinance relating to Security Alarm Systems (Amends Title 10 Merced County Code and adds Chapter 10.80 thereof)

REVIEW BOARD ORDER – SEE PAGE 13

REPORTS/BOARD DIRECTION

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

CONSENT CALENDAR (Items #1 – 47)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

- 1. Resolution authorizing the installation of All Way Stop Intersection at intersection of Peach Avenue and Robin Avenue in the Livingston area and authorize installation of Stop Signs on the Robin Avenue approaches.

ADOPTED RESOLUTION NO. 2004-94

- 2. Approve Final Map for Sullivan's Merced River Subdivision in the Snelling area.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 ABSTAIN: 4

- 3. Approve and authorize Chairman to sign Renewal Contract No. 2004129 with Bible Christian Church for Le Grand Courts Building Conference Room lease.
- 4. Resolution honoring Mr. Paul Munoz for 32 years of outstanding service.

Probation

- 5. Approve and authorize Chairman to sign Renewal Contract No. 2004133 with Livingston Police Department for Probation Satellite Office Space.

Claims for Damages

- 6. Act on Claims for Damages submitted by Lyn A. Shields and Application for Leave to file Late Claim for Damages by Linda Chandler.

Planning

- 7. Set public hearing for July 27, 2004 at 10:30 a.m. to consider completion of Housing Rehabilitation Activity within Census Tract 5.01 and 5.02 funded by Calif. Dept. of Housing and Community Development Block Grant.

Mental Health

- 8. Approve and authorize Chairman to sign Renewal Contract No. 2004134 with Merle V. Charles, LPT and MAOM for Patients' Rights Advocate services.
- 9. Approve and authorize Chairman to sign Renewal Contract No. 200170 with State Dept. of Alcohol and Drug Programs for Comprehensive Drug Court Implementation Grant for FY 2003/2004.

ADOPTED RESOLUTION NO. 2004-95

10. Approve and authorize Chairman to sign Renewal Contract No. 2004136 with Joseph Melton, MFT for services as Certification Review Hearing Officer at Marie Green Psychiatric Inpatient Unit.
11. Approve and authorize Chairman to sign Renewal Contract No. 2004137 with Atwater Elementary School District for Mental Health Services for youth in the Atwater School District.
12. Approve and authorize Chairman to sign Renewal Contract No. 2004138 with Health Department for Urine Drug Assay Testing Services.

Sheriff

13. Approve and authorize Chairman to sign Amendment to Contract No. 2004139 with City of Gustine for Gustine Police Department Dispatch Services for FY 2004/2005.
14. Approve and authorize Chairman to sign Renewal Contract No. 2004140 with Los Angeles Sheriff's Department for Prisoner Transportation.
15. Set public hearing for June 22, 2004 at 10:30 a.m. to consider proposed ordinance relative to 2004/2005 Criminal Justice Administrative Fees (Booking Fees).

Child Support Services

16. Approve and authorize Chairman to sign Renewal Contract No. 2003127 with ChoicePoint Business and Government Services, Inc. for Internet Locate Services.
17. Approve and authorize Chairman to sign Renewal Contract No. 2003115 with Long Beach Genetics for Genetic Testing for Paternity.

Human Services Agency

18. Approve and authorize Chairman to sign Renewal Contract No. 2004142 with Airport Warehouse Rentals for Grogan Avenue Storage Space.
19. Approve and authorize Chairman to sign Renewal Contract No. 2002123 with Merced College for Learning Disabilities evaluations protocols.
20. Approve and authorize Chairman to sign Renewal Contract No. 200022 with Probation for services to CalWORKs participants.
21. Approve and authorize Chairman to sign Renewal Contract No. 2004141 with Workforce Investment for employment services through CalWORKs.
22. Approve and authorize Chairman to sign Renewal Contract No. 2004144 with JD Construction for Minor Home Repairs, Multipurpose Senior Services Program/Linkages Programs.
23. Approve and authorize Chairman to sign Renewal Contract No. 2001159 with Children's Services Network of Merced County for Stage 1 Child Care Services.
24. Approve and authorize Chairman to sign Renewal Contract No. 2000257 with Lao Family Community, Inc. for Employment Services to Southeast Asian speaking CalWORKs participants.
25. Approve and authorize Chairman to sign Renewal Contract No. 2004145 with Merced College for Educational Services/Administrative Services prior to the implementation of CalWORKs.

26. Approve and authorize Chairman to sign Renewal Contract No. 2004143 with Merced Union High School District for Adult Education and Training Services.

Board of Supervisors Office

27. Set public hearing for July 20, 2004 at 10:30 a.m. to consider an Appeal submitted by Brian Campbell to Planning Commission decision on Administrative Application No. 04012.
28. Set public hearing for July 20, 2004 at 10:30 a.m. to consider an Appeal submitted by Rodney Bianchi to Planning Commission decision on Minor Subdivision Application No. 04012.

Board Recognition

29. Authorize Certificate of Recognition to the Lau Family in memory of Karina Lau who served in the U.S. Army in Iraq and gave her life for her country.
30. Authorize Certificates of Recognition to the following individuals for recognition upon their selection to participate in the California State Summer School for the Arts Program and for being named a California Art Scholar: Bridgett Beatty, Alyssa Duran, Levi Ortega and Kimberly Vanden Akker from Merced High School; Ben Suarez from Valley High School and Michael Adame from Le Grand High School.
31. Authorize Certificates of Recognition to various individuals for recognition by the Livingston/Delhi Veterans of Foreign Wars Post #8327 and Ladies Auxiliary.
REVIEW BOARD ORDER – SEE PAGES 14 AND 15
32. Authorize Certificates of Recognition to various individuals by the American Legion Merced Post #83 for Officer of the Year Awards.
REVIEW BOARD ORDER – SEE PAGE 15
33. Authorize Certificates of Recognition to Mary Irene Todd and Chiyoko Sager for Volunteer of the Year Recognition Awards and Proclaim the week of April 18-24, 2004 as National Volunteer Week.
34. Authorize Certificates of Recognition to Karen Grissom, Pam Briggs and Irene Brown in honor of Retirement from Ada Givens School and dedicated career in education.
35. Authorize Certificate of Recognition to Kimberley Clauss in honor of dedicated service to the Merced County Planning Commission.
36. Authorize Certificates of Recognition to the following individuals in recognition of selection by Soroptimist International of Los Banos: Samantha Wallace, Woman of Distinction; Pauline Scoles, Woman of Distinction; Lori Gomes, Women Helping Women; Gloria Escallier, Soroptimist of the Year; Fedelina Mendoza, Women's Opportunity Award and National Women's Political Caucus, Advancing the Status of Women.
37. Authorize Certificate of Recognition to Merced Lao Family Community, Inc. in celebration of Open House at Mental Health Services for Hmong Women.
38. Authorize Certificates of Recognition to the following various individuals in honor of being recipients of the Atwater High School FFA Awards: Randall Sorensen, Jr., Outstanding Freshman; Christina Menezes, Outstanding Sophomore; Jessica McAdams, Outstanding Junior; Becky Callahan, Outstanding Senior and Jacquelyn Grande, Outstanding FFA Member.

39. Authorize Certificates of Recognition to Century 21 M & M Associates-Business of the Year and Lena Mendoza-Advocate of the Year for 2003/2004 as selected by the Atwater Chamber of Commerce.
40. Authorize Certificates of Recognition in honor of completing the Partners in Healing Orientation Classes in Western Medicine for the following: Pa Yang, Xai Pao Chang, Pang Kao Her, Sai Toua Her, Tria S. Lee, Chia Chue Moua, Khoua Doua Moua, Tong Kou Moua, Kou Vang, Nhia Houa Vang and Mor Lee Vang.
41. Authorize Certificates of Recognition for service to the Winton School District as follows: School Site Selection Committee Members - Wilene Nelson, William Riggs, Marlys Flores, Carol Bonin, Bonnie Anderson and Rosa Montes; 15 Years of Dedicated Service - Sarah Rhodes, Michelle Prestimonico, Linda Nieto, Marcia Jones, Lawrence Frice, Toni Dunwoody, Raul Castro, Brenda Blake and Margaret Sanchez.
42. Authorize Certificates of Recognition to the following for Contributions to the Community Awards: Dewey Todd and Mary Irene Todd-Dos Palos Senior Citizens Club, Jane Hunt and Essie Gordon-Atwater AARP #2194, Fred Buckingham and Brice Tilghman, Sr.-Merced Over 50 Club, Savon Edwards-Delhi Senior Citizens Club, Betty Chase-Merced Senior Social Club, John Parker-Merced AARP #282, Larry Pacheco and Pat Reiser-Atwater Senior Social Club, Marie Ruiz and Adela Saenz-Winton Senior Social Club, Jim Cook and Annette Cook-Los Banos Golden Agers Club, Winifred Ciuffo-Los Banos and Betty Hunt-Merced/Mariposa Calif. Retired Teachers Association.
43. Proclaim May 20, 2004 as Foster Parent Appreciation Day in the County of Merced.
44. Authorize Certificates of Recognition to the following individuals in honor of the Buhach Colony FFA Proficiency Awards: Mario Bandoni, Pomology Production; Christina Cabrito, Swine Production; Sarah Friesen, Equine Science Placement; Cassey Gomes, Sheep Production; Sarah Lewis, Diversified Livestock Production; Cody Nunes, Agricultural Mechanics Design and Fabrication; Steven Tunzi, Forest Management; Kendria Poe, Equine Science Entrepreneurship and Mallory Andersen, Agricultural Mechanics Repair and Maintenance.

District Attorney

45. Adopt Resolution authorizing District Attorney to submit Grant Reapplication to the Governor's Office of Emergency Services for federal funding to continue the Anti-Drug Abuse Enforcement Program (ADA Program) and authorize Chairman and D.A. to sign Contract and Certifications required.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003088 AND ADOPTED RESOLUTION NO. 2004-96

46. Authorize payment of outstanding finance charges owed to SBC/MCI in the amount of \$195.04 for Account No. 209-725-3513.

Budget Transfers

47. Approve Budget Transfer for Human Services Agency in the amount of \$4,690.00 as recommended by Executive Office.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

48. Approve and adopt Vehicle User Mileage Rates for the 2004/2005 Fiscal Year.
APPROVED AS RECOMMENDED AYES: ALL
49. Resolution authorizing Public Works Director and Auditor to file the Local Transportation Fund and State Transit Assistance Fund Claims for the 2004/2005 Fiscal Year with Merced County Assn. of Governments (MCAG).
ADOPTED RESOLUTION NO. 2004-97 AS RECOMMENDED AYES: ALL
50. Authorize Sole Source Purchase of 1675 Cubic Yards of X-19, a Microbiological Humic Polymer from X-19 Biological Products, Inc. to complete the necessary clean-up activities at the Gustine Corporation Yard.
APPROVED AS RECOMMENDED AYES: ALL
51. Accept Gift from 'Save the Old Library Committee' in the amount of \$157,000 for the Merced County Old Library/High School Re-Roof and Seismic Upgrade, award the low Base Bid and Additive Alternate No. 1 Contract to Lockwood General Engineering, Inc. in the amount of \$249,151 and reject the Unit Prices for Dry Rot and Brick Replacement included as separate Unit Cost Bids and approve the necessary Budget Transfer-\$49,500.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004150 AYES: ALL
52. Authorize transfer of \$850 from Special Board Project Funds-District Four to the Sheriff's Department for Winton Spring Festival Security provided on April 23-25, 2004.
APPROVED AS RECOMMENDED AYES: ALL

PROBATION

53. Contract with Delhi Unified School District to station a Deputy Probation Officer at Delhi High School Campus.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004151 AYES: ALL

SHERIFF

54. Authorize Request for Proposal to all Merced County funeral homes and mortuaries for contracted deceased removal service with contracts to be returned to the Board for final approval and authorization, understanding multiple awards may be made due to the Sheriff rotational request and the RFP criteria.
APPROVED AS RECOMMENDED AYES: ALL
55. Authorize upgrade and standardization of Law Enforcement Equipment for the Sheriff Department and the SWAT Team of the primary shoulder weapons used and authorize trade-ins of eight Heckler & Koch MP5 9MM sub machine guns and six Remington 870 12 gauge shotguns for four COLT M-4 .223/5.56 MM carbines and accessories with an authorized gun dealer at no anticipated cost to the County, authorize the Sheriff to trade available excess 9MM ammunition and seven excess Remington 870 gauge shotguns for two additional COLT M-4 carbines and accessories, at no cost to the County and authorize the Sheriff to trade out of service the remaining Remington 870s gauge shotguns for credit for future safety equipment items with an authorized gun dealer.
APPROVED RECOMMENDATION AYES: ALL

HUMAN SERVICES AGENCY

56. Contract with The Public Health Institute/Calif. Center for Research on Women and Families for funding to operate Year Two of the Linkages Project.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004152 AYES: ALL

57. Contract with McWilliams Mailliard Technology Group for Adult Protective Services software.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004153 AYES: ALL

58. Contract with Central Valley Coalition for Affordable Housing for Architectural costs for Independent Living Transitional Housing Development and approves the necessary budget transfer-\$40,000.00.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004154 AYES: ALL

59. Authorize Human Services Agency to apply for Grant Funding through the Governor's Office of Emergency Services to operate a Child Abuse Treatment Program (CHAT) in the amount of \$213,590, authorize Chairman to sign Contract No. 2004148 and designate the Chairman and the Auditor as authorized representatives.

APPROVED RECOMMENDATION AYES: ALL

60. Authorize purchase of Travel Trailer to use for the decontamination of children at drug contaminated sites and a pickup to tow the trailer, authorize negotiation not to exceed this years funding and approve the necessary budget transfer-\$45,999.00.

APPROVED RECOMMENDATION AYES: ALL

61. Contract between Human Services Agency and Area Agency on Aging for CareAccess Aging Programs software for state mandated reporting.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004155 AYES: ALL

WORKFORCE INVESTMENT

62. Contract with Merced County Office of Education for Regional Occupational Program (ROP) Out of School Youth Program (Workforce Investment Act).

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004132 AYES: ALL

63. Contract with Merced County Office of Education Regional Occupational Program (ROP) for Younger Youth Program (Workforce Investment Act).

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004135 AYES: ALL

64. Contract with Merced Adult School for PLATO Lab Basic Education Services at the Merced Worknet Employment Resource Center.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004157 AYES: ALL

65. Appoint Natalie Culver to serve on the Youth Council.

APPROVED AS RECOMMENDED AYES: ALL

66. Accept resignation from Gisela Malone from the Workforce Investment Board.

APPROVED AS RECOMMENDED AYES: ALL

AUDITOR

67. Authorize a cash flow loan to East Merced Resource Conservation District from the Merced County Special District Augmentation Fund for an amount as needed but not to exceed \$26,000 and to be repaid within three years.

REVIEW BOARD ORDER – SEE PAGE 17

68. Authorize Fiscal Year End Appropriation Adjustments.

REVIEW BOARD ORDER – SEE PAGES 17 AND 18

TREASURER-TAX COLLECTOR

69. Approve agreement to sell tax-defaulted properties to Public Works-Roads pursuant to Chapter 8 of the Revenue and Taxation Code.

NO ACTION TAKEN – CONTINUED TO JUNE 15, 2004

BUSINESS-ECONOMIC OPPORTUNITIES

70. Authorize allocation of \$95,200 from Sales Tax Recovery Program for HdL contract fees, a service contract to review the 1996 Castle Reuse Plan EIR and department move-in expenses at Castle and approve the necessary budget transfer.

APPROVED RECOMMENDATION AYES: ALL

PLANNING

71. Contract with Planning Partners for costs related to review and processing of an Environmental Impact Report for project by Riverside Motorsports Park, LLC proposal at Castle Airport and Aviation Development Center.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004130 AYES: 1, 2, 4, 5
NOT PRESENT: 3**

72. Contract with Riverside Motorsports Park, LLC for reimbursement of costs related to processing applications and review and processing of consultant's EIR and approve the necessary budget transfer-\$48,052.00.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004131 AYES: 1, 2, 4, 5
NOT PRESENT: 3**

EXECUTIVE OFFICE

73. Resolution in support of voluntary, quality preschool for all 4-year olds in California.

CONTINUED TO JUNE 15, 2004 BOARD MEETING

74. Resolution supporting the Local Government Budget Package and forward to appropriate legislative representatives.

ADOPTED RESOLUTION NO. 2004-98 AS RECOMMENDED AYES: ALL

75. Set First Reading of proposed Ordinance amending Attendance and Compensation at Commission and Board Meetings (Amends Ordinance No. 1611 and County Code Chapter 2.92.040) for June 15, 2004 at 10:30 a.m. and Second Reading and possible adoption for June 22, 2004 at 10:30 a.m.

NO ACTION TAKEN – PULLED FROM THE AGENDA

BOARD OF SUPERVISORS

76. Oppose Assembly Bill 1983 regarding Reclamation Board and authorize notification to legislative representatives.

APPROVED RECOMMENDATION AYES: ALL

COUNTY COUNSEL

77. Adopt a 30-day extension under Government Code Sections 65970-65981 regarding Los Banos School District request to concur or not concur in Resolution 23-03 Findings of

Overcrowding.

APPROVED RECOMMENDATION AYES: ALL

BOARD APPOINTMENTS

78. District Three - Mental Health Advisory Board.

REAPPOINTED SHARON DAVIS TO SERVE AS A MEMBER OF THE MENTAL HEALTH ADVISORY BOARD REPRESENTING DISTRICT THREE, UNTIL JUNE 30, 2007 AYES: ALL

79. District Four - Ballico Recreation Committee and Business License Appeals Board.

APPOINTED KELLY MOREDA TO SERVE AS A MEMBER OF THE BALLICO RECREATION COMMITTEE UNTIL NOVEMBER 11, 2007 AYES: ALL

APPOINTED WILL HUNTER TO SERVE AS A MEMBER OF THE BUSINESS LICENSE APPEALS BOARD REPRESENTING DISTRICT FOUR UNTIL OCTOBER 21, 2006 AYES: ALL

80. Workforce Investment Board.

APPOINTED ED ANDERSON TO SERVE AS A MEMBER OF THE WORKFORCE INVESTMENT BOARD REPRESENTING THE PRIVATE SECTOR UNTIL JUNE 30, 2008 AYES: ALL

81. Lower San Joaquin Levee District.

REAPPOINTED HENRY J. FAVIER TO SERVE AS A MEMBER OF THE LOWER SAN JOAQUIN LEVEE DISTRICT UNTIL JUNE 4, 2008 AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

82. Executive Office re: Early Retirement Incentive Plan.

REVIEW BOARD ORDER – SEE PAGES 20 AND 21

83. Executive Office re: Revenue Sharing discussions update.

84. Auditor and Treasurer re: Electronic Positive Pay Update.

85. Workforce Investment re: Modification to Subgrant Agreement with State Economic Development Dept. on Federal Workforce Development Funds to the Local Workforce Investment area.

86. Auditor re: Payment of Franchise Fees - Central Valley Cable TV.

87. San Joaquin Valley Regional Association of California Counties re: Opposition to SB 1334 - Environmental Quality.

88. Highway 99 Task Force re: Route 99 Corridor Improvement Guide, first step in Task Force's formal support for communities bettering the appearance and economic opportunity along the San Joaquin Valley stretch of Highway 99.

89. Calif. Regional Water Quality Control Board - Central Valley re: Notice of Public Workshop and Calif. Environmental Quality Act (CEQA) Scoping Meeting regarding Development of a Basin Plan Amendment for the Control of Mercury in the Cache Creek Watershed and Notice of Calif. Environmental Quality Act (CEQA) Scoping Meeting regarding Development

of Amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins to add Beneficial uses for Old Alamo Creek, Solano County.

90. California Regional Water Quality Control Board Central Valley Region re: Notice of Public Hearing and Notice of Filing of Draft Environmental Documents concerning adoption of a Basin Plan Amendment for the Control Program for factors contributing to the dissolved oxygen impairment in the Stockton Deep Water Ship Channel.
91. Krosnick, Moskovitz, Tiedemann & Girard re: Legal Alert Bulletin - Officers who entered home to check on safety of occupant are entitled to qualified immunity.
92. Nextel Communications re: Notice of Antenna Modification, Atwater, CA.

ADJOURNED MEETING UNTIL TUESDAY, JUNE 15, 2004 AT 10:00 A.M.



A G E N D A

BOARD OF SUPERVISORS

ADDENDUM AGENDA

TUESDAY, JUNE 8, 2004

Regular Meeting – 3:15 p.m.

MERCED COUNTY
ADMINISTRATION BUILDING
2222 "M" STREET
BOARD ROOM, THIRD FLOOR
MERCED, CALIFORNIA 95340
(209) 385-7366

GLORIA CORTEZ KEENE.....DISTRICT 1
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CHAIR DEIDRE F. KELSEY....DISTRICT 4
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BOARD ORDERS - SUMMARY ACTION MINUTES – JUNE 8, 2004

6:00 P.M. SCHEDULED ITEM

2004-06-08 PRESENTATION - MERCED RECYCLING COALITION

Public Works Director Paul Fillebrown states the Merced Recycling Coalition wishes the County to provide curbside recycling programs. Mr. Fillebrown states members are present to review the background information and should the Board chose to consider any of the items presented, Staff is prepared to develop background information complete with costs of implementation, schedules, fees to be considered by the Board at a future meeting.

The following speak in support of implementing a recycling program in the unincorporated areas:

Merced Recyling Coalition representative Candace Medefind, Allen Howell, Annette Alsup, Rochelle Koch, Lisa Kaiser Grant, Member of core group and Integrated Waste Management Local Task Force Member Tom Graves, Wendell Hovey, Doane Kate, Campfire Troop Representative Mary Medefind, Haley Grant, Phi Beta Kappa representative Mary Ward and McSwain area representative Betty Garber of the McSwain Area.

Annette Alsup distributes a handout listing various businesses that belong to the Merced Recycling Coalition and also reviews an overhead slide of the Central Valley Areas with curbside recycling.

Following discussion, the Chairman advises the Board will take the matter under consideration.

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

6:00 P.M. SCHEDULED ITEM

2004-06-08 PRESENTATION - MERCY MEDICAL CENTER OF MERCED

President of the Mercy Medical Center of Merced David Dunham advises staff will provide the Board with an update on Mercy Medical Center.

Chairman of the Board of Directors of the Hospital Bert Crane, Sr., states there have been changes at Mercy Hospital including a new director, new chief financial officer, and new members appointed to the Board of Directors. The Board has taken a very aggressive approach to the quality of care at the hospital and a Quality Care Committee has been appointed to monitor the care provided by Merced Medical Center.

Interim Director of Emergency Services at Mercy Sheree Brown provides a status report on Emergency Services.

Chief Financial Officer Wayne Silveira provides a status report on the Hospital Financial Performance and reviews the Inpatient Bed Capacity, Financial Performance, and Keys to Financial well-being.

Paul Feltz provides a status report on the staffing and recruitment and retention.

Dr. David Raggio provides an overview on the Residency Program.

Mr. Dunham provides a status report on the new hospital and advises hospital staff has made significant improvements on patients that need a direct room and continue to work on improving relationships with other entities that provide health care.

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

6:00 P.M. SCHEDULED ITEM
2004-06-08 PUBLIC OPPORTUNITY

Administrative Vice-President of the League of Women Voters Susan Walsh, Executive Director of the Merced Farm Bureau Diana Westmoreland Pedrozo and Atwater City Councilman Ed Abercrombie appear before the Board and thanks the Board for holding a Board Evening meeting.

June Brown, prior Admissions Clerk, commends Mercy Medical Center staff for the services they provide.

Supervising Public Health Nurse Louise Tilston states she is present to speak regarding Item No. 82-Early Retirement Incentive Plan. Due to a change in the treatment of her spouse's illness, she will not be needed as a full-time caregiver and would like to continue working and does not wish to participate in the Early Retirement Incentive Option Phase One.

John Murray speaks regarding medical care and commends staff at Mercy Medical Center. He advises the hospital care was good but his stay was emotionally and financially draining on a daily basis and he speaks in favor of Universal Health Care.

Noria Bullock-Jordan of the United Domestic Workers (UDW) distributes a packet regarding the cost savings and projected 2004-2005 Cost of In Home Supportive Services (IHSS) Program with Federal Waiver and Without Federal Waiver. She advises UDW is ready to conclude negotiations in a manner beneficial to the County and IHSS.

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

6:00 P.M. SCHEDULED ITEM
2004-06-08 ADDED AGENDA ITEM – EXECUTIVE OFFICE

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board finds a need arose subsequent to posting of the agenda, to consider a "Day of

Remembrance" in honor of Former President Ronald Reagan and related resolution and places the item on the agenda for Board consideration.

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

Supervisor Nelson states the Governor has declared June 11, 2004, as a Day of Remembrance for former President Ronald Reagan and asks that five minutes be given at 3:00 p.m. as a moment of silence and that counties designate an area where people could gather and suggests the Board designate the Old Courthouse Steps for this area of gathering.

Supervisor Cortez Keene questions the employees affected to be off and questions the cost to the County.

County Executive Officer Dee Tatum advises the net cost to the County will be approximately \$52,000.

The Chairman states due to the short time frame would it be more appropriate to find another way to honor the Former President considering the County's financial circumstances.

County Counsel Ruben Castillo states based on Merced County current Personnel Rules and Memoranda of Understanding (MOU), the Board should allow its employees the entire day off and suggests the Board consider possibly modifying current Rules and MOU's in place based on their concerns.

AFSCME Business Agent Kristi Waskewitz states the Union's Counsel has the same interpretation of the language in the MOU as County Counsel.

Following a lengthy discussion, Supervisor Crookham moves, seconded by Supervisor O'Banion, the Board declare June 11, 2004, as a Day of Remembrance of the life of Former President Ronald Reagan; authorize employees eight hours of special time off on June 11, 2004, except for a core number of employees who are required to respond to emergencies and maintain necessary services to the public and adopt Resolution No. 2004-100.

Supervisor Cortez Keene votes "no". Motion carries.

Ayes: Kelsey, Crookham, Nelson, O'Banion

Noes: Cortez Keene

6:00 P.M. SCHEDULED ITEM

2004-06-08 SHERIFF – ORDINANCE NO. 1724 - ADOPTED

The time and date previously set for a public hearing to consider Proposed Ordinance relating to Security Alarm Systems (Amends Title 10 Merced County Code and adds Chapter 10.80 thereof) submitted by the Sheriff's Department.

Undersheriff Bill Blake states staff will be meeting with the Municipal Advisory Councils to further inform them of the Proposed Ordinance.

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

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Nelson, duly carried, the Board waives further reading and adopts Ordinance No. 1724 – An Ordinance relative to Security Alarm Systems (Adds Chapter 10.80 to County Code amending Title 10).

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

CONSENT ITEM NO. 31

2004-06-08 BOARD OF SUPERVISORS

Upon motion of Supervisor Crookham, seconded by Supervisor Nelson, duly carried, the Board authorizes Certificates of Recognition to the following individuals for being recognized by the Livingston/Delhi Veterans of Foreign Wars Post #8327 and Ladies Auxiliary:

Dennis/Sue Wells - Unselfish Contributions in Organizing Events Honoring Local Veterans, Kara Cohen -Patriot's Pen Advisor, Kimberly Machado - 3rd Place Patriot's Pen Essay, Rejon McGuire - 2nd Place Patriot's Pen Essay, Yesenia Maldonado - 1st Place Patriot's Pen Essay, Rosemary Eismann - Voice of Democracy Advisor, Alfonzo Arciga - 3rd Place of Voice of Democracy, Jenni Bigler - 2nd Place of Voice of Democracy, Valerie Valdez - 1st Place Voice of Democracy, Simrat Dhadda - 1st Place Patriotic Art, Martha Rameno- Delhi Patriotic Teacher Grades K-5, Kelly Boggiano - Delhi Patriotic Teacher Grades 6 – 8, John Schownwald - Delhi Patriotic Teacher Grades 9 – 12, Filiberto Fuentes - Livingston Patriotic Teacher Grades K – 5, Robert Voris - Livingston Patriotic Teacher Grades 6 – 8, Russ Winton - Livingston Patriotic Teacher Grades 9 – 12, The Duke Family - Delhi Patriotic Family, Northern Merced Hulling - Merced County Patriotic Business, The Cole Family - Livingston Patriotic Family, County Bank -- Livingston Patriotic Business, Ralph Wollet - Continued Support to VFW 8327, Livingston Recreation Dept., - VFW Post and Ladies Auxiliary and the Community, Delhi Fire Dept. - Support to the Community, Larry Smith - Delhi Firefighter of the Year 2003, Livingston Fire Dept. - Support to the Community, Chris Unruh - Livingston's Firefighter of the Year 2003, Livingston Police Dept.- Support to Community and VFW Post 8327 and Ladies Auxiliary, Deanna Cabrera - Livingston Dispatcher of the Year 2003, Ray Franstad - Livingston Law Enforcement Officer of the Year 2003, Tracey Clark - Ladies Auxiliary Member of the Year 2003, Herb Jamero - Veteran of the Year 2003, Woody Campini - VFW Member of the Year 2003.

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

CONSENT ITEM NO. 32

2004-06-08 BOARD OF SUPERVISORS

Upon motion of Supervisor Crookham, seconded by Supervisor Nelson, duly carried, the Board authorizes Certificates of Recognition to the following for being recognized by the American Legion Merced Post 83 as Officers of the Year: Christian Hambrecht - Atwater Police Department; Sgt. Todd Morrison, California Highway Patrol-Atwater; Geoffrey Nicolle, California Highway Patrol - Los Patrol; Miguel Villalobos, Gustine Police Department; Cindy Hoskins, Los Banos Police Department; Ray Framstad, Livingston Police Department; Joe Weiss, Merced Police Department; Steve Dover, Merced Sheriff's Department – Operations and Dwain Middleton, Merced Sheriff's Department – Corrections.

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

ACTION ITEM NO. 67

2004-06-08 AUDITOR-CONTROLLER/RECORDER/CLERK

Auditor-Controller/Recorder/Clerk Stephen Jones distributes a letter dated May 19, 2004 from East Merced Resource Conservation District President requesting Merced County advance funds up to \$26,000 to cover expenditures in accordance with a grant received from the State Department of Conservation Watershed Coordinator Program.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board approves a cash flow loan to East Merced Resource Conservation District from Merced County Special District Augmentation Loan Fund for an amount as needed but not to exceed \$26,000 to be repaid within three years from the grant funds received from the California State Department of Conservation.

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

ACTION ITEM NO. 68

2004-06-08 AUDITOR-CONTROLLER/RECORDER/CLERK

The Chairman states the Fiscal Year End Appropriations Adjustments are before the Board for approval.

Supervisor Crookham questions the amount of funds required for the adjustments.

Auditor-Controller Stephen Jones states the adjustments are solely housekeeping within each affected departmental budget, is undetermined at this time and enables the County to stay in compliance with Proposition 4. Mr. Jones advises he will keep the Board informed and no department will be allowed over their budget at the end of the year.

Upon motion of Supervisor Crookham, seconded by Supervisor O'Banion, duly carried, the Board authorizes the Auditor-Controller to make the following appropriation transfers:

1. General Fund- Transfer salary savings appropriation to cover overdrawn accounts and accounts required to pay Information Systems, Communications, Fleet Service Management Billings and Insurance Pool;
2. Other Funds- Transfer salary and service and supplies appropriations to cover overdrawn accounts and amounts required to pay Information Systems, Communications, and Fleet Service Management Billings and Insurance Pool;
3. General and Other Funds- Transfer accrual appropriation and estimated revenue from the accrual line items to cover accounts overdrawn as a result of accruals and authorize the Auditor-Controller to increase estimated proceeds from taxes and contingencies by the amount actual proceeds from taxes exceeds the estimates.

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

BOARD INFO ITEM NO. 82

2004-06-08 EXECUTIVE OFFICE - EARLY RETIREMENT

County Executive Officer Demitrios Tatum reviews the Staff Report and advises employees were provided a period of six weeks to review and select the Early Retirement Incentive Plan.

Mr. Tatum reviews the following cases:

Mr. Lee stated he forwarded information to the County but the information was not received.

Ms. Tilston requests to retract her early retirement request due to unforeseen circumstances and he states this must be reconsidered by the Board. The document from Supervising Public Health Nurse Louise Tilston is distributed.

Ms. Trotter's case deals with confusion of documents being received and this case may need to be considered by the Board.

Mr. Tatum states Staff is prepared to make any adjustments the Board wishes.

Supervisor O'Banion states he supports the employee that wishes to retract her request to retire. He requests information on whether all documents were turn into the County before the deadline.

Mr. Tatum advises the County has not received a fax or any correspondence from Mr. Lee.

The Chairman asks if there is anyone present wishing to speak.

AFSCME Business Agent Kristi Waskewitz states in Mr. Lee's case there appears to be confusion due to a slight language barrier. Mr. Lee faxed the request to Mr. Morris when trying to resolve the issue. She refers to an email from Mr. Lee wherein he asks if there is anything else he needed to do to resolve the issue. She states it was after the Board took action that he discovered he was not on the list of those granted an early retirement.

Supervisor Nelson states he is not happy on this issue and would like to include Mr. Lee on the list for early retirement. He would also like to take Ms. Tilston off the list per her request. He states he does not support the case of Ms. Trotter.

Upon of Supervisor Crookham, seconded by Supervisor O'Banion, duly carried, the Board removes Louise Tilston's name from the Early Retirement Incentive Plan list as requested as the circumstances involving her family are unique and no one could have predicted this.

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

Supervisor Nelson moves, seconded by Supervisor Crookham, the Board add Mr. Lee's name to the Early Retirement Incentive Plan list as requested.

The Chairman calls for a vote on the Motion.

Supervisors Cortez Keene and O'Banion vote "no". Motion carries.

Ayes: Kelsey, Crookham, Nelson

Noes: Cortez Keene, O'Banion