



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, SEPTEMBER 21, 2004

Closed Session – 4:30 p.m.

Regular Meeting – 5:30 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.*

SCHEDULED ITEMS

4:30 P. M.

CLOSED SESSION - CONFERENCE WITH REAL PROPERTY

NEGOTIATOR: It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator(s) Paul Fillebrown-Public Works Director pursuant to Section 54956.8 as follows:

Property: APN 059-390-044

Property: Castle

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: Bryant Owens v. Larry Gonzales, Merced Superior Court Case #147956

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 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 4:30 P.M. AND RECONVENED AT 5:30 P.M. WITH SUPERVISOR O'BANION NOT PRESENT AND THE CHAIRMAN ADVISED THERE WERE NO REPORTABLE ITEMS

5:30 P. 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: Dustin Costa (Submitted Documents), Larry Gonzales, Dr. Barbara Showalter (Submitted Documents), David Corser (Submitted Documents), Bryant Owens (Submitted Documents)

REPORT - Mercy Medical Center Merced - David Dunham, CEO

REVIEW BOARD ORDER - SEE PAGE 8

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) County Court Operations-\$48,425

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

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 6)

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

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

REPORTS/BOARD DIRECTION

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

CONSENT CALENDAR (Items #1 - 6)

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

Health

1. Approve and authorize Chairman to sign Renewal Contract No. 2004296 with James Andrews, M.D. for EMS Agency Medical Director services.
2. Approve and authorize Chairman to sign Renewal Contract No. 2004297 with Calif. Integrated Waste Management Board for Local Solid Waste Landfill Permit and Inspection Program Grant.

ADOPTED RESOLUTION NO. 2004-180

Business-Economic Opportunities

3. Approve and authorize Chairman to sign Amendment to Contract No. 2001260 with Weather Nav Incorporated for Airport Navigational Aide Maintenance at Castle Airport.

District Attorney

4. Adopt Resolution authorizing the District Attorney to submit Grant Reapplication and sign the Grant Award Agreement including any extension and amendments that do not have any fiscal impact and Certification of Assurance of Compliance, Contract No. 2004298, to the Governor's Office of Emergency Services for the Victim/Witness Assistance Program funding.

ADOPTED RESOLUTION NO. 2004-181

Claims for Damages

5. Act on Claim for Damages submitted by Keri L. Rose.

Board of Supervisors Office

6. Set public hearing for October 19, 2004 at 10:30 a.m. to consider an Appeal to Minor Subdivision Application No. 04027 submitted by Maria Cabral.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

7. Contract with Merced County Community Action Board for the management of the Planada Community Recreation Building and Senior Citizens Annex for a term of five years commencing on September 21, 2004.

PULLED FROM AGENDA – NO ACTION TAKEN

8. Approve projects to be funded by Proposition 40 Funds to include water system improvements at Lake Yosemite Park, and if adequate funding remains, to include similar improvements at Henderson and Hagaman Parks.

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

9. Approve Budget Transfer in the amount of \$21,500 from Trust #02497 (Parkland Dedication Fees and Interest) to replace irrigation pump/motor at Winton Park, seal open well at

Hagaman Park, upgrade pump filter system at South Dos Palos Park and purchase a safety door for Bobcat Tractor. (#005)

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

10. Approve and file the Revised State Transit Assistance Fund Claim Contract for the 2004/05 Fiscal Year with MCAG and authorize the Public Works Director and the Auditor to sign the appropriate documents.

**ADOPTED RESOLUTION NO. 2004-182 AS RECOMMENDED AYES: 1, 2, 3, 4
NOT PRESENT: 5**

11. Authorize Funding Agreement with City of Merced in the amount of \$1,200,000 for design and right of way acquisition for the Campus Parkway Project and approve the necessary budget transfer. (#006) (4/5 Vote Required)

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004295 AYES: 1, 2, 3, 4
NOT PRESENT: 5**

12. Authorize circulation of Request for Proposal for a Civil Engineering firm to design the Campus Parkway Project with final proposals to come to the Board for final approval and execution.

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

13. Contract for Temporary Recycling Transfer Station Pad at the Highway 59 Landfill with R. Serna Construction in the amount of \$43,343 with a unit price of \$56.29 per ton of laid Asphaltic Concrete.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004292 AYES: 1, 2, 3, 4
NOT PRESENT: 5**

LIBRARY

14. Accept the Library Services and Technology Act Grant from the California State Library in the amount of \$25,000 for Global Language Materials grant program, and approve the necessary budget transfer.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004299 AYES: 1, 2, 3, 4
NOT PRESENT: 5**

HEALTH

15. Contract with State Dept. of Health Services for purchase of disaster-related equipment and supplies received from the Federal Health Resources and Services Administration (HRSA) and approve the necessary budget transfer in the amount of \$28,588. (4/5 Vote Required)

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004300 AYES: 1, 2, 3, 4
NOT PRESENT: 5**

SHERIFF

16. Accept the 2004 State Criminal Alien Assistance Award funds through the INTERNET draw down and deposit the Award into Trust Fund 2576-Sheriff Correctional Facilities.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004301 AYES: 1, 2, 3, 4
NOT PRESENT: 5**

17. Contract with McSwain Union Elementary School District for Community & School Resource Officer services.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004302 AYES: 1, 2, 3, 4
NOT PRESENT: 5**

FIRE

18. Designate Merced County Fire Station #81 located at 735 Martin Luther King Jr. Way as the Merced County Temporary Operational Area Emergency Operations Center (EOC) for the County of Merced.

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

DEPT. OF WORKFORCE INVESTMENT

19. Contract with City of San Jose to provide Workforce Investment Act services for 50 individuals who live in or near Merced County but who were previously laid off in Santa Clara County and approve the necessary budget transfer in the amount of \$257,500. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004293 AYES: 1, 2, 3, 4 NOT PRESENT: 5

BUSINESS-ECONOMIC OPPORTUNITIES

20. Authorize Letter to the Federal Real Property Assistance Program for the Public Benefit Conveyance for Castle Air Museum property on the former Castle Air Force Base.

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

21. Resolution consenting to the Transfer of the Cable Television Franchise serving Le Grand/Planada from CVC TV, LLC to Comcast.

ADOPTED RESOLUTION NO. 2004-183 AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

22. Resolution authorizing Contract with StateStore, Inc. in connection with FOCUS Program Procurement, authorize Announcement Letter and authorize General Services to utilize such services/products as defined under the FOCUS contract.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004294 AND ADOPTED RESOLUTION NO. 2004-184 AYES: 1, 2, 3, 4 NOT PRESENT: 5

23. Authorize letter to State Board of Equalization in support of continuing the current practice of using the First Point of Human Contact as the "Point of Sale" for tax allocation purposes.

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

EXECUTIVE OFFICE

24. Resolution opposing Proposition 68-Expanded Gambling Initiative.

ADOPTED RESOLUTION NO. 2004-185 AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

25. Proclaim October 11 through 17, 2004 as Bi-National Health Week.

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

26. Authorize transfer of two Automation Systems Analyst I/II positions from Health to Information Systems, allocate the Classification of Extra Help Special Projects Coordinator to Public Works, allocate one bilingual position to Counsel, authorize three percent salary increase to Position #16 in BU 10100, authorize overhire of one Secretary III in BU 20100 and approve the necessary budget transfer and adopt Resolution. (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2004-186 AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

27. Resolution approving a Revenue Sharing Agreement with the City of Livingston.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004303 AND ADOPTED RESOLUTION NO. 2004-187 AYES: 1, 2, 3, 4 NOT PRESENT: 5
28. Designation of Assistant County Executive Officer James Brown as the County's Representative to the CSAC Excess Insurance Authority Board of Directors and the Director of Risk Management Terry Roberts as the County's Alternate Representative.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

BOARD APPOINTMENTS

29. Housing Authority of the County of Merced (Two Appointments)
REAPPOINTED MARGARET WARMACK AND MARIA LUCIO TO SERVE AS MEMBERS OF THE HOUSING AUTHORITY OF THE COUNTY OF MERCED REPRESENTING TENANTS UNTIL OCTOBER 19, 2006 AYES: 1, 2, 3, 4 NOT PRESENT: 5
30. Area Agency on Aging Advisory Council.
RECOGNIZE LES PAPAIZAN AS CHAIRMAN AND MILTON MCDOWELL AS VICE CHAIRMAN OF THE AREA AGENCY ON AGING ADVISORY COUNCIL FOR A TWO YEAR PERIOD UNTIL JUNE 30, 2006 AYES: 1, 2, 3, 4 NOT PRESENT: 5

BOARD INFORMATION & POSSIBLE ACTION

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

31. Business-Economic Opportunities re: Comcast Update of upcoming increases of regulatory fees beginning October 1, 2004.
32. Sheriff re: Annual Reporting Requirement of Inmate Welfare Trust Fund, FY 2003/04 in accordance with Section 4025(e) of the Penal Code.
33. General Services re: Report of Surplus Public Sale held on August 14, 2004 at 435 East 13th Street, Merced – sale of 392 items for net proceeds in the amount of \$2,776.
34. San Joaquin Valley Air Pollution Control District re: Notice of Public Hearing - Extreme Ozone Attainment Demonstration Plan.
35. Peterson Consulting re: SB 1650 (Chesbro), Pest Control - Pierce's Disease, request for Governor's signature.
36. Governor's Office of Emergency Services re: Notices of declaration of the following USDA Disaster Designation areas: (a) Primary County-Fresno and contiguous counties: damages caused by unseasonable hot weather that occurred March 4 through March 31, 2004, (b) Primary County-Merced and contiguous counties: damages caused by abnormal high temperatures and windy conditions that occurred on March 25, 2004, (c) Primary County-Madera and contiguous counties: damages caused by drought that occurred from October 1, 2003 through May 25, 2004, (d) Primary County-Madera and contiguous counties: damages caused by high winds and high temperatures that occurred from March 1 through March 31, 2004.
37. Nextel Communications re: Notice of cellular company modifying antennas at CA-397 in Delhi.
38. Auditor-Controller re: Student Pollwork Program.

39. Auditor-Controller re: Early Voting Program.

**RECESSED TO MEET AS A COMMUNITY ACTION AGENCY GOVERNING BODY AND
IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY AND ADJOURNED MEETING UNTIL
SEPTEMBER 28, 2004 AT 10:00 A.M.**

BOARD ORDER – SUMMARY ACTION MINUTES – SEPTEMBER 21, 2004

5:30 P.M. SCHEDULED ITEM

2004-09-21 REPORT - MERCY MEDICAL CENTER MERCED

CEO Mercy Medical Center Merced David Dunham provides a power point presentation to the Board on the updates at Mercy Medical Center Merced.

Following discussion, Mr. Dunham states Mercy Medical Center continues to focus on patient care and improving operations, is currently planning for the new hospital and on improving the financial status of the hospital.

Present: Kelsey, Cortez Keene, Crookham, Nelson

Not Present: O'Banion

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COMMUNITY ACTION AGENCY GOVERNING BOARD

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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
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REGULAR CALENDAR

BOARD ACTION

Community Action Board

1. Agreement made by the Community Action Board of Ms. Brenda Callahan Johnson as the Executive Director of the Community Action Partnership.

THE BOARD ACKNOWLEDGED NOTIFICATION

THE BOARD ADJOURNED THE MEETING AS THE COMMUNITY ACTION AGENCY GOVERNING BOARD

SUMMARY ACTION MINUTES

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

Regular Meeting
TUESDAY, SEPTEMBER 21, 2004
4:30 P. M.

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ADMINISTRATION BUILDING
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SCHEDULED ITEMS

4:30 P. M.

IN-HOME SUPPORTIVE SERVICES (IHSS) PUBLIC AUTHORITY

CLOSED SESSION: It is the intention of the IHSS Public Authority to meet in Closed Session pursuant to Subdivision (f) of Section 54957.6 concerning Conference with County of Merced Staff Negotiators(s) and United Domestic Workers (UDW)

THE BOARD RECESSED AT 4:30 P.M. AND RECONVENED AT 5:30 P.M. WITH SUPERVISOR O'BANION NOT PRESENT AND THE CHAIRMAN ADVISED THERE WERE NO REPORTABLE ITEMS

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THE BOARD ADJOURNED THE MEETING AS AN IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY