



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, NOVEMBER 09, 2004
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
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

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 Real Property Negotiator(s) John Fowler, Business-Economic Opportunities Director pursuant to Section 54956.8 as follows: Castle Property

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. County of Merced; Supervisor Cortez Keene, et al. Case No. 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; Deputy Sheriff Association, Unit 10 and Non-Safety Corrections, Unit 12

THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED THERE WERE NO REPORTABLE ITEMS

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: Dustin Costa, Merced Patients Group (submits documents)

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Ag. Commissioner-\$25,000; Fire-\$605; Human Services Agency-\$360 and Health-SCEAP-\$41

APPROVED RECOMMENDATION AYES: 1, 3, 4, 5 NOT PRESENT: 2

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 14)

APPROVED RECOMMENDATION AYES: 1, 3, 4, 5 NOT PRESENT: 2

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 - 14)

APPROVED RECOMMENDATION AYES: 1, 3, 4, 5 NOT PRESENT: 2

Health

1. Authorize Chairman to sign Certification regarding Lobbying Form for the 2004 Health Resources and Services Administration (HRSA) Grant approved by the Board on September 21, 2004 with the State Dept. of Health Services for the Bioterrorism Response.

General Services

2. Approve and authorize Chairman to sign Amendment to Contract No. 200219 with Nelson Auctions for Auctioneer Services for the Disposition of Surplus Property at the Merced County General Services Warehouse Facility and Airport and Aviation Development Center during Fiscal Year 2004/2005.

Risk Management

3. Reject Claims for Damages submitted by Marcus Aue and Jason Haugen and direct the Risk Manager send out said Notices of Rejection.

Executive Office

4. Approve Travel Request for Dept. of Child Support Services as recommended by Executive Office.
5. Approve and authorize Chairman to sign Renewal Contract No. 2004363 with Pacificare of California for Secure Horizon's Medicare HMO Plan.
6. Approve and authorize Chairman to sign Renewal Contract No. 2004364 with Professional Benefit Services for Dental Claims Administration services.
7. Approve and authorize Chairman to sign Renewal Contract No. 2003283 with Merced County Coalition of Unions for Health and Dental Insurance Coverage for 2005.

Board of Supervisors

8. Approve Minutes of July 20 and 27, 2004 as submitted.

Board Recognition

9. Authorize Certificate of Recognition to A Woman's Place of Merced County in honor of the 14th Annual "Take Back the Night" Candlelight Vigil and Celebration.
10. Authorize Certificates of Recognition to Chang Geu Xiong, Yong Neng Xiong, Wang Thay Xiong and Chong Toua Xiong for being respected Xiong Clam Members and Aiding the Xiong Clan throughout the years.
11. Authorize Recognition and Congratulations to Chuck and Marlene Beiswanger in celebration of their 50th Wedding Anniversary.
12. Authorize Certificate of Recognition in Celebration of the Grand Opening of Whimsy, Fine Stationery and Gifts for Little Ones.
13. Authorize Certificate of Recognition to University Surgery Center for their 2nd Anniversary Celebration and Open House.
14. Authorize Certificates of Recognition to Heika Hambley, Ida Johnson, Kimberly Farnham and Janice Bueno for their selection as "Working Woman of the Year" and Betty Goudy for "Working Woman of the Year Lifetime Achievement Award" by the Merced Business and Professional Women for 2004.

REGULAR CALENDAR

BOARD ACTION

PLANNING

15. Contract Amendment with Self Help Enterprises, Inc. for implementation and administration of HOME Housing Rehabilitation Loans through Calif. Dept. of Housing and Community Development funds (Grant No. 02-HOME-0619) and approve the necessary budget transfer in the amount of \$390,500. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003114 AYES: 1, 3, 4, 5
NOT PRESENT: 2

16. Contract Amendment with Self Help Enterprises, Inc. for implementation and administration of HOME Homebuyer and Housing Rehabilitation through Calif. Dept. of Housing and Community Development Grant funds (01-HOME-0551) and approve the necessary budget transfer in the amount of \$174,193. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002191 AYES: 1, 3, 4, 5
NOT PRESENT: 2

BUSINESS-ECONOMIC OPPORTUNITIES

17. Resolution authorizing Certification of the Business Revolving Loan Fund Plan as required by the U.S. Dept. of Commerce, Economic Development Administration.

ADOPTED RESOLUTION NO. 2004-213 AS RECOMMENDED AYES: 1, 3, 4, 5
NOT PRESENT: 2

18. Approve the Castle Airport 5-Year Airport Capital Improvement Plan as submitted and authorize submission to the Federal Aviation Administration.

APPROVED RECOMMENDATION AYES: 1, 3, 4, 5 NOT PRESENT: 2

19. Authorization to plan for an Air Show on May 14, 2005 with the BEO Director to return with full program outline prior to plan approval and implementation.

APPROVED RECOMMENDATION AYES: 1, 3, 4, 5 NOT PRESENT: 2

20. Re-designation of name of Business-Economic Opportunities to Commerce, Aviation and Economic Development (CAED).

APPROVED RECOMMENDATION AYES: 1, 3, 4, 5 NOT PRESENT: 2

H.S.A-AREA AGENCY ON AGING

21. Authorize re-release of Request for Proposal (RFP) for a Brown Bag Program and authorize General Services in cooperation with Area Agency on Aging to prepare the RFP, solicit and select potential vendors and return to the Board for final approval.

APPROVED RECOMMENDATION AYES: 1, 3, 4, 5 NOT PRESENT: 2

SHERIFF

22. Authorize purchase of three Law Enforcement Motorcycles with Standard Law Enforcement Markings and Equipment and approve the necessary budget transfer in the amount of \$12,000. (HELD OVER)

APPROVED RECOMMENDATION AYES: 1, 3, 4, 5 NOT PRESENT: 2

BOARD APPOINTMENTS

BOARD INFORMATION & POSSIBLE ACTION

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

23. Dept. of Workforce Investment re: 2003/2004 WIA Subgrant Agreement Modification with State Employment Development Department.
24. Winton School District re: Resolution of the Winton School District increasing School Facilities Fees as authorized by Government Code Section 65995.
25. San Joaquin Valley Regional Association of California counties re: Opposition to Proposed Rule Designating Critical Habitat for California Tiger Salamander.
REVIEW BOARD ORDER – SEE PAGE 6
26. County Supervisors Association of California re: Selection of CSAC Board of Directors Members for 2005.
REVIEW BOARD ORDER – SEE PAGE 6
27. State Board of Equalization re: Taxpayers' Rights Advocate's 2003-2004 Property Taxes Annual Report.
28. U.S. Dept. of the Interior re: Vernal Pool Recovery Plan - Advance Information Meetings.
29. Calif. Office of Traffic Safety re: Preparation for California's Annual Drunk and Drugged Driving Prevention Month Campaign throughout the month of December. (On file with Clerk)

BOARD ORDERS – SUMMARY ACTION MINUTES – NOVEMBER 9, 2004

INFORMATION ITEM NO. 25

2004-11-09 BOARD OF SUPERVISORS

The Board goes on record opposing the Proposed Rule Designating Critical Habitat for the California Tiger Salamander and directs staff to prepare a letter in opposition for submission to the San Joaquin Valley Regional Association of California Counties.

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

Not Present: Crookham

INFORMATION ITEM NO. 26

2004-11-09 BOARD OF SUPERVISORS

The Board designates Supervisor Nelson as the Board representative for the CSAC Board of Directors for 2005 and authorizes him to pickup ballots and vote on behalf of the Board at the CSAC Annual Conference.

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

Not Present: Crookham