

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, OCTOBER 02, 2007  
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

CHAIRMAN JOHN PEDROZO.....DISTRICT 1  
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

JAMES N. FINCHER  
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.*

**The Agenda is available online at [www.co.merced.ca.us](http://www.co.merced.ca.us)**

**Members of the public are advised that all pagers, cellular telephones and any other communication devices are to be turned off upon entering the Board Chambers**

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE  
INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE

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The Agenda is divided into three sections:

**CONSENT CALENDAR** – These matters include routine financial and administrative actions and are approved by a single majority vote.

**SCHEDULED ITEMS** – These items are noticed hearings, work sessions and public hearings.

**REGULAR CALENDAR** – These items include significant policy and administration actions. Immediately after approval of the CONSENT CALENDAR, if the time of the hearing of SCHEDULED ITEMS has not arrived, the REGULAR CALENDAR will be considered.

SCHEDULED ITEMS

9:00 A. M.            **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL – SIGNIFICANT EXPOSURE TO LITIGATION:** It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Government Code Section 54956.9(b): One Case

**CLOSED SESSION:** It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION Public Works Director

**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 PROVIDED DIRECTION**

**GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)**

**REVIEW BOARD ORDER – SEE PAGE 7**

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** (Testimony limited to five minutes per person)

**PRESENTATIONS**

Human Services Agency - United Way of Merced County. Authorize County participation in the United Way 2007/08 Campaign

**REVIEW BOARD ORDER – SEE PAGE 7**

Health - Medi-Cal Managed Care Expansion

**REVIEW BOARD ORDER – SEE PAGE 7**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 12)**

**APPROVED AS RECOMMENDED    AYES: ALL**

10:00 A. M.

**COUNTY COUNSEL - PROPOSED ORDINANCE - SECOND READING AND POSSIBLE ADOPTION**

To consider Proposed Ordinance Designating Operating Times for Public Cemeteries in the County of Merced and Prohibiting the Possession and Consumption of Alcoholic Beverages on Public Cemetery Property

**REVIEW BOARD ORDER – SEE PAGE 8**

**MENTAL HEALTH - PUBLIC HEARING - PROPOSED ORDINANCE, POSSIBLE ADOPTION**

To consider Proposed Ordinance - An Ordinance Changing Fees Charged for Mental Health Services (Supercedes Ordinance No. 1812 and Amends Merced County Code, Chapter 9.48, Section 9.48.030)

**REVIEW BOARD ORDER – SEE PAGE 8**

**PLANNING - PUBLIC HEARING**

Appeal to Planning Commission decision on Minor Subdivision Application No. MSA07-022 submitted by Bear Creek Ranch Partnership. Said Application is to divide one 265.6 acre parcel into five parcels: Parcel 1=59.74 acres, Parcel 2=50.27 acres, Parcel 3=51.16 acres and Parcel 4=51.56 acres and Parcel 5=50.27 acres of property located on the west side of Plainsburg Road, approximately one half mile north of State Highway 140 and 2,000 feet north of the Planada Specific Urban Development Plan (SUDP) boundary

**REVIEW BOARD ORDER – SEE PAGES 8 AND 9**

**REPORTS/BOARD DIRECTION**

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

CONSENT CALENDAR (Items #1 - 12)

**APPROVED AS RECOMMENDED AYES: ALL**

Mental Health

1. Approve and authorize Chairman to sign Renewal Contract No. 2006241 with Mary Ann Barr, PhD for Chemical Abuser (MICA) Trainings.
2. Adopt a Proclamation designating the week of October 22-29, 2007 as Red Ribbon Celebration Week in Merced County and authorize and encourage all departments and employees to wear red ribbons and display red ribbons on county buildings and vehicles during that week.
3. Approve and authorize Chairman to sign Renewal Contract No. 2002217 with Aspira Behavioral Health for Specialty Mental Health services and Therapeutic Behavioral services.
4. Approve and authorize Chairman to sign Renewal Contract No. 2006213 with State Dept. of Alcohol and Drug Programs for Drug Court Partnership Program Grant.

**ADOPTED RESOLUTION NO. 2007-147**

Fire

5. Proclaim October 7 - 13, 2007 as National Fire Prevention Week in the County of Merced and authorize participation in safety programs to promote fire safety.

Executive Office

6. Act on Claim for Damages received from Valerie Santana (2007-1171) as recommended by Risk Management.
7. Approve Travel Requests received by Public Works and recommended by Executive Office.

Board Recognition

8. Authorize Certificate of Recognition to O Daat Red Hat for Ribbon Cutting.
9. Authorize Certification of Recognition to Cindy's Creations for Ribbon Cutting.
10. Authorize Certificate of Recognition to Castle Automotive Training Center for Grand Opening.
11. Authorize presentation of Plaque to Club Mercedes in celebration of their 60th Anniversary.

Public Works

12. Approve Budget Transfers for Public Works in the amount of \$2,700 and \$730,000 as recommended by Executive Office.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

13. Contract with Merced County Community Action Board for Le Grand Courts Building Office Space for the Women, Infants, & Children (WIC) Program for a term of five years. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2007237 AS RECOMMENDED AYES: ALL**

14. Contract with Cyberwatch Security Communications, Inc. for installation of Security Cameras at Lake Yosemite Park per scope of work with RFP 6245 and approve the necessary budget transfer-\$24,000. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2007238 AS RECOMMENDED AYES: ALL**

BOARD OF SUPERVISORS

15. Amend the 2007 Board Meeting Calendar to cancel the October 30, 2007 and November 6, 2007 Board Meetings and set November 20, 2007 as a Board Meeting date.

**APPROVED AS RECOMMENDED AYES: ALL**

PROBATION

16. Approve the Juvenile Justice Crime Prevention Act Progress Report with total expenditures of \$780,311 for FY 2006/07 and authorize submission to the Corrections Standards Authority.

**APPROVED AS RECOMMENDED AYES: ALL**

17. Contract with Delhi Unified School District to station a Deputy Probation Officer at Delhi High School Campus.

**AUTHORIZED CONTRACT NO. 2004151 AS RECOMMENDED AYES: ALL**

18. Contract with Los Banos Unified School District to station a Deputy Probation Officer at Los Banos High School Campus.

**AUTHORIZED CONTRACT NO. 2004237 AS RECOMMENDED AYES: ALL**

19. Contract with Dos Palos/Oro Loma Unified School District to station a Deputy Probation Officer at Dos Palos High School Campus.

**AUTHORIZED CONTRACT NO. 2001196 AS RECOMMENDED AYES: ALL**

#### FIRE

20. Accept the 2006/2007 Annual Fire Facilities Impact Fee Summary Report as submitted and approve the Five Year Equipment Replacement Plan as submitted (Appendix D).

**APPROVED AS RECOMMENDED AYES: ALL**

21. Authorize transfer of funds to cover the increased costs to purchase the Replacement Command Vehicle approved on June 19, 2007 in the amount of \$1,500.

**APPROVED AS RECOMMENDED AYES: ALL**

#### EXECUTIVE OFFICE

22. Authorize funding of \$275,000 to the Merced County Community Action Agency to assist with construction costs of the year-round emergency homeless shelter contingent upon Merced County Community Action Agency complying with grant program guidelines, requirements of the grant award and applicable Federal and State regulations and statutes and approve the necessary budget transfer.

**REVIEW BOARD ORDER – SEE PAGE 9**

#### SHERIFF

23. Contract with California Dept. of Corrections and Rehabilitation for designation as an In-Custody Drug Treatment Program for parolees and approve Budget Transfer and authorize 40% of the Revenue reimburse the County for General Fund cost, and that the remaining 60% be placed in Capital Project Fund-Correctional Facility 23000/17200 to be utilized to support future jail improvements, jail remodeling and jail expansion.

**AUTHORIZED CONTRACT NO. 2007239 AS RECOMMENDED AYES: ALL**

#### DEPT. OF ADMINISTRATIVE SERVICES

24. Resolution to lease the former Teresa A. Pimentel property (APN 008-120-026) as a single-family dwelling and authorize Contract with Tinetti Realty Group for property management services; said property is part of the Campus Parkway Project and is not due to commence for another two years.

**AUTHORIZED CONTRACT NO. 2007240 AND ADOPTED RESOLUTION NO. 2007-148 AS RECOMMENDED AYES: ALL**

#### BOARD APPOINTMENTS

#### BOARD INFORMATION & POSSIBLE ACTION

**ACCEPTED AND PLACED ON FILE AYES: ALL**

25. State Board of Equalization re: Summons to a State Board of Equalization Hearing.

**THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA**

26. State Water Resources Control Board re: Revised - Notice of Board Member Quorum.
27. State Water Resources Control Board re: Notice of Board Meeting and Workshop set for October 2, 2007.
28. State Water Resources Control Board re: Solicitation Notice - 319(h) Nonpoint source Implementation Grant Program Concept Proposal Applications, due November 1, 2007.

**ADOPTED RESOLUTION IN MEMORY OF ALICE AGNES BOONE AND ADJOURNED MEETING UNTIL TUESDAY, OCTOBER 16, 2007 AT 10:00 A.M.**

## BOARD ORDERS – SUMMARY ACTION MINUTES – OCTOBER 2, 2007

### **10:00 A.M. ADDED AGENDA ITEM**

#### **2007-10-02 EXECUTIVE OFFICE**

The Clerk advises subsequent to posting of the Agenda for the Board Meeting of October 2, 2007, the need for action arose for out-of-state travel.

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board finds the need to take action arose subsequent to posting of the October 2, 2007, Agenda and places the item on the agenda for consideration.

Ayes: Pedrozo, Crookham, Nelson, Kelsey, O'Banion

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board approves the Travel Request submitted by Mental Health as recommended by the Executive Office.

Ayes: Pedrozo, Crookham, Nelson, Kelsey, O'Banion

### **10:00 A.M. SCHEDULED ITEM**

#### **2007-10-02 PRESENTATION – HUMAN SERVICES AGENCY**

Human Services Agency Deputy Director Kathy Hassett reviews the staff report and turns over the program review to the United Way Executive Director.

United Way Executive Director Flip Hassett provides an update on the United Way Campaign and thanks the County for the continued participation by the County in the United Way Campaign.

Present: Pedrozo, Crookham, Nelson, Kelsey, O'Banion

### **10:00 A.M. SCHEDULED ITEM**

#### **2007-10-02 PRESENTATION - HEALTH**

Director of Public Health John Volanti reviews a powerpoint presentation, the Staff Report and summarizes the recommendation for the Medi-Cal Managed Care Expansion.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board adopts a Resolution naming the County Organized Health System (COHS) model as the preferred model for Medi-Cal managed care for Merced County; authorizes the Public Health Department to develop plans for the establishment of a Merced County Health Commission and return to the Board in December with a recommendation including size and membership for possible action and authorize Counsel and Health to develop an ordinance for the establishment of a County Organized Health System (COHS) in Merced County and return to the Board in December for consideration and possible adoption and adopts Resolution No. 2007-146.

Ayes: Pedrozo, Crookham, Nelson, Kelsey, O'Banion

**THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA**

**10:00 A.M. SCHEDULED ITEM**

**2007-10-02 COUNTY COUNSEL – PROPOSED ORDINANCE - ORDINANCE NO. 1823**

The time and date previously set for Second Reading and possible adoption to consider a Proposed Ordinance submitted by County Counsel. The Clerk reads the Ordinance by title only: An Ordinance Designating Operating Times for Public Cemeteries in the County of Merced and Prohibiting the Possession and Consumption of Alcoholic Beverages on Public Cemetery Property.

Upon motion of Supervisor O’Banion, seconded by Supervisor Kelsey, duly carried, the Board waives further reading of the Proposed Ordinance.

Ayes: Pedrozo, Crookham, Nelson, Kelsey, O’Banion

County Counsel James Fincher states each cemetery will have operating hours and will post their hours to help alleviate the late-night loitering at local cemeteries.

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board adopts Ordinance No. 1823.

Ayes: Pedrozo, Crookham, Nelson, Kelsey, O’Banion

**10:00 A.M. SCHEDULED ITEM**

**2007-10-02 MENTAL HEALTH – PUBLIC HEARING – ORDINANCE 1824**

The time and date previously set for a public hearing to consider a Proposed Ordinance to Change Fees Charged for Mental Health Services submitted by the Mental Health Department. The Clerk reads the Ordinance by title only: An Ordinance Changing Fees Charged for Mental Health Services (Supercedes Ordinance No. 1812 and Amends Merced County Code, Chapter 9.48, Section 9.48.030).

Mental Health Director Frank Whitman reviews the Staff Report.

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

Upon motion of Supervisor O’Banion, seconded by Supervisor Crookham, duly carried, the Board waives further reading and adopts Ordinance No. 1824.

Ayes: Pedrozo, Crookham, Nelson, Kelsey, O’Banion

**10:00 A.M. SCHEDULED ITEM**

**2007-10-02 PLANNING – PUBLIC HEARING**

The time and date previously set for a public hearing to consider an Appeal to Planning Commission decision on Minor Subdivision Application No. MSA07-022 submitted by Bear Creek Ranch Partnership. Said Application is to divide one 265.6 acre parcel into five parcels: Parcel 1



= 59.74 acres, Parcel 2=5.27 acres, Parcel 3=51.16 acres and Parcel 4=51.56 acres and Parcel 5=50.27 acres of property located on the west side of Plainsburg Road, approximately one half mile north of State Highway 140 and 2,000 feet north of the Planada Specific Urban Development Plan (SUDP) boundary.

Assistant Planning Director Bill Nicholson advises Appellant representative Rod Hawkins from Hawkins & Associates Engineering, Inc. is requesting the public hearing be continued to a later date so that the attorney can be present.

The Chairman states the public hearing will be continued to November 20, 2007 and asks if there is anyone present wishing to speak.

Maureen McCorry, Planada, requests clarification of public hearing date and time.

Upon motion of Supervisor Crookham, seconded by Supervisor O'Banion, duly carried, the Board continues the public hearing to November 20, 2007, at 10:00 a.m.

Ayes: Pedrozo, Crookham, Nelson, Kelsey, O'Banion

**ACTION ITEM NO. 22**  
**2007-10-02 EXECUTIVE OFFICE**

The Clerk announces the Funding for the Merced County Community Action Agency to assist with construction costs for the year-round emergency homeless shelter and related budget transfer is before the Board for consideration.

County Executive Officer Dee Tatum reviews the staff report advising recommending the Board authorizing funding contingent upon MCCAAC complying with all requirement guidelines and requirements.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board authorizes funding in the amount of \$275,000 to the Merced County Community Action Agency (MCCAAC) to assist with construction costs of the year-round Emergency Homeless Shelter contingent upon Merced County Community Action Agency complying with grant program guidelines, requirements of the grant award and applicable Federal and State regulations and statutes; and approve the necessary budget transfer and requests Community Action Agency representatives provide a status report at the October 16, 2007, Board Meeting.

Ayes: Pedrozo, Crookham, Nelson, Kelsey, O'Banion