

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, JUNE 17, 2008
Closed Session – 8:30 a.m.
Regular Meeting – 10:00 a.m.
Proposed Budget – 1:30 p.m.

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

DEMITRIOS O. TATUM
COUNTY EXECUTIVE OFFICER

JOHN PEDROZO.....DISTRICT 1
CHAIRMAN 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

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

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

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INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE

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TESTIMONY IS LIMITED TO FIVE MINUTES PER PERSON
THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA

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

8:30 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, Director-Commerce, Aviation and Economic Development pursuant to Government Code Section 54956.8 as follows: 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 Government Code Section 54956.9(b): 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 Government Code Section 54956.9(a): Bull Field, LLC v. County of Merced et. al. Merced County Superior Court Case No. 150549

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL -

SIGNIFICANT EXPOSURE TO LITIGATION: It is the intention of the Board to meet in Closed Session to consider Significant Exposure pursuant to Government Code Section 54956(b): Four Cases

THE BOARD RECESSED AT 8:30 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED THERE WAS NOTHING TO REPORT

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

REVIEW BOARD ORDER – SEE PAGE 14

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)

REVIEW BOARD ORDER – SEE PAGE 14

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Public Works-\$2,500,000

APPROVED AS RECOMMENDED **AYES: ALL**

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 52)

APPROVED AS RECOMMENDED **AYES: ALL**

1:30 P. M.

1. COUNTY EXECUTIVE OFFICE - FY 2008/09 PROPOSED BUDGET

(1) Adopt the Proposed Budget for FY 2008/09 as an Operating Budget until the Board adopts a Final Budget. (2) Direct that no expenditures be made for any item requiring policy direction, as listed in the Proposed Budget, without specific Board authorization. (3) Request the Clerk of the Board make available copies of the FY 2008/09 Proposed Budget to all interested people and advertise the Final Budget Hearings to commence on August 19, 2008 at 1:30 p.m. and to schedule the Public Hearing on Proposition 4 Appropriation Limitation on August 19, 2008 at 1:30 p.m.

REVIEW BOARD ORDER – SEE PAGE 15

2. COUNTY EXECUTIVE OFFICE

Approve following departmental personnel actions for FY 2008-09: (1) Auditor-Registrar of Voters-BU 14000, Add one Assistant Registrar of Voters, Range 76.9, B Level Management; (2) Health-Medical Asst. Program-BU 49500/49501, Delete one Office Assistant II, one Medical Claims Clerk II and two Eligibility Worker II. (3) Public Works-Solid Waste-BU 75100, Add one Fiscal Services Supervisor, Range 64.8. (4) DPW-Countywide Transit-BU 75300, Change one Equipment Service Worker to Facility Maintenance Assistant. (5) Cooperative Extension-BU 61000, Transfer one Office Assistant III to BU 28500 as Office Assistant II and delete Grant Funded position from BU 61000 and adopt Resolution

ADOPTED RESOLUTION NO. 2008-115 AS RECOMMENDED

AYES: ALL

3. COUNTY EXECUTIVE OFFICE

Out of State Travel and Training for the Period Beginning July 1, 2008 and Ending August 31, 2008.and direct that no Out-of-County Overnight or Out-of-State Travel take place unless authorized by the County Executive Officer or designee

APPROVED AS RECOMMENDED **AYES: ALL**

4. PUBLIC WORKS

Interdepartmental Agreement Contract with Sheriff Department to commence on July 1, 2008 for the County Roadside Litter Control and Facility Clean-up Program

APPROVED AS RECOMMENDED **AYES: ALL**

5. PUBLIC WORKS

Approve FY 08/09 Priority List for Merced County Community and Veterans Halls and authorize Public Works to proceed with completion of projects on the approved list in priority order, commensurate with the amount available in the approved budget

REVIEW BOARD ORDER – SEE PAGE 15

6. MENTAL HEALTH

Renewal Contract with Community Social Model Advocates, Inc. in the amount of \$237,589 to provide men's and women's alcohol and drug residential recovery services for FY 2008/2009; authorize consideration of use of one-time general fund dollars, in the amount of \$100,000 to provide one-time bridge financing to Contract and if conceptually approved, direct the County Executive Officer to identify funding for the cost of the contract amendment and authorize Chair to sign

REVIEW BOARD ORDER – SEE PAGE 16

REPORTS/BOARD DIRECTION

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

CONSENT CALENDAR (Items #1 - 52)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Adopt Resolution designating the intersection of Wren Drive and Cypress Avenue, as part of Quail Hollow Estates Phase 3 Subdivision No. 02011 as a Stop Intersection and authorize installation on the Wren Drive approach to the intersection located in Winton.
ADOPTED RESOLUTION NO. 2008-95
2. Adopt Resolution designating the intersection of Egret Drive and Cypress Avenue, as part of Quail Hollow Estates Phase 3 Subdivision No. 02011 as a Two-Way Stop Intersection and authorize installation on the Egret Drive approach to the intersection located in Winton.
ADOPTED RESOLUTION NO. 2008-96
3. Adopt Resolution designating the intersection of Eli Avenue and Christian Avenue, as part of Cotton Glen Subdivision No. 04002 as a Stop Intersection and authorize installation on the Eli Avenue approach located in Dos Palos.
ADOPTED RESOLUTION NO. 2008-97
4. Adopt Resolution restricting parking along a portion of Broadway in Planada and authorize installation of signs to inform motorists of the parking restricting.
ADOPTED RESOLUTION NO. 2008-98
5. Approve and authorize Chairman to sign Amendment to Contract No. 2000125 with SCS Engineers for Landfill Air Quality Compliance and Landfill Gas Engineering.

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Mental Health

6. Approve and authorize Chairman to sign Renewal Contract No. 2004149 with Value Options, Inc. for specialty mental health services.
7. Approve and authorize Chairman to sign Renewal Contract No. 2006314 with Livingston Medical Group for placement of county clinical staff to provide mental health services.
8. Approve and authorize Chairman to sign Renewal Contract No. 2005089 with Aegis Medical Systems, Inc. for Drug Medi-Cal Outpatient Narcotic Treatment Program.
9. Approve and authorize Chairman to sign Renewal Contract No. 2003025 with BHC Heritage Oaks Hospital for Inpatient hospital services for non-Medi-Cal clients.
10. Approve and authorize Chairman to sign Renewal Contract No. 2008037 with Dr. Thankamma John Puthiappampil for psychiatric services.
11. Approve and authorize Chairman to sign Renewal Contract No. 2007199 with Guardco Security Services at the inpatient unit and other facilities.
12. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2008003 with State Dept. of Health and Human Services for Comprehensive Drug Court Implementation Grant.
ADOPTED RESOLUTION NO. 2008-99
13. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2006057 with State Dept. of Health and Human Services Agency for Comprehensive Drug Court Implementation Grant for Dependency Drug Treatment Court.
ADOPTED RESOLUTION NO. 2008-100
14. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2006213 with State Dept. of Health and Human Services Agency for Drug Court Partnership Program Grant.
ADOPTED RESOLUTION NO. 2008-101
15. Approves and authorize Chairman to sign Renewal Contract No. 2007018 with JDT Consultants for Therapeutic Behavioral Services.

Commerce, Aviation and Economic Development

16. Approve and authorize Chairman to sign Renewal Contract No. 2004183 with IMS Worldwide, Inc. for Foreign-Trade Zone Consulting services.

Ag. Commissioner

17. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2004107 with California Cantaloupe Advisory Board for Anti-Theft Inspection Services.
ADOPTED RESOLUTION NO. 2008-102
18. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2004260 with Calif. Dept. of Food and Agriculture for Egg Quality Control Inspections.
ADOPTED RESOLUTION NO. 2008-103
19. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 200256 with Calif. Dept. of Food and Agriculture for Maintenance of Permanent Crop Records.
ADOPTED RESOLUTION NO. 2008-104

20. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2002112 with Calif. Dept. of Food and Agriculture for Red Imported Fire Ant Survey.

ADOPTED RESOLUTION NO. 2008-105

21. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2006109 with Calif. Dept. of Food and Agriculture for Petroleum and Weighmaster Enforcement Inspections.

ADOPTED RESOLUTION NO. 2008-106

Human Services Agency

22. Approve and authorize Chairman to sign Renewal Contract No. 2005235 with Merced County Food Bank for Brown Bag services.
23. Approve and authorize Chairman to sign Renewal Contract No. 2003134 with Public Works for No-Cost Transportation Program for seniors.
24. Approve and authorize Chairman to sign Renewal Contract No. 2005128 with Public Works for Reduced Cost Transportation Program for seniors.

Health

25. Approve and authorize Chairman to sign Renewal Contact No. 2005216 with District Attorney for investigation of fraud/abuse within the Indigent Health Care Programs.
26. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2006016 with Calif. Integrated Waste Management Board for Waste Tire Enforcement Grant.

ADOPTED RESOLUTION NO. 2008-107

Public Defender

27. Approve and authorize Chairman to sign Renewal Contract No. 2004338 with Williams & Co., Lynda Williams, Investigator for public defender investigative services.
28. Approve and authorize Chairman to sign Renewal Contract No. 2005041 with Peter Wann Investigations, Peter Wann, Investigator for public defender investigative services.
29. Approve and authorize Chairman to sign Renewal Contract No. 2006025 with Gator Investigation, Wallace Broughton, Investigator for public defender investigative services.
30. Approve and authorize Chairman to sign Renewal Contract No. 2007185 with Colleen Tucker, Colleen Tucker Investigator for investigative services.
31. Approve and authorize Chairman to sign Renewal Contract No. 2008039 with Cindy Merino, Investigator for public defender investigative services.

Dept. of Workforce Investment

32. Approve and authorize Chairman to sign Amendment to Contract No. 2007158 with Merced County Office of Education for In-School Youth services.
33. Approve and authorize Chairman to sign Amendment to Contract No. 2007159 with Merced County Office of Education for Out of School Youth services.

Dept. of Admin. Services

34. Authorize cancellation of services and Contract No. 2006152 with Ameripride Uniform Services for floor mat and uniform services.

Treasurer

35. Accept the Quarterly Investment Report for the period ending March 31, 2008.

Human Resources

36. Approve and authorize Chairman to sign Renewal Contract No. 2007154 with Dr. Jocelyn Roland for pre-employment/fitness for Duty Psychological Examinations.
37. Approve and authorize Chairman to sign Renewal Contract No. 2004311 with Liebert Cassidy Whitmore for Legal/Labor Relations Services.

Auditor

38. Approve and authorize Chairman to sign Renewal Contract No. 2005180 with California Employment Development Department for Collection Information.

Fire

39. Set public hearing for July 1, 2008 at 10:00 a.m. to consider Proposed Ordinance amending the Fire Department's Fee Schedule (Amends Code Section 9.24.055 and Ordinance Nos. 1788, 1764, 1736 and 1814).

Executive Office

40. Act on Claim for Damages for Antonio G. Soto (2006-067) as recommended by Risk Management and Counsel.
41. Approve Budget Transfers for Auditor-\$9,000 and Executive Office-\$18,925 as recommended by Executive Office.

Board of Supervisors

42. Set public hearing for July 22, 2008 at 10:00 a.m. to consider an Appeal received from Maureen McCorry, et al and SJRRC to Conditional Use Permit Application No. CUP99-009.
43. Approve Minutes of March 18 and 25, 2008 as submitted.

Board Recognition

44. Authorize Certificate of Recognition to John and Mary Ellen Chavez as Grand Marshal of the Planada Community Day Parade.
45. Authorize Certificate of Recognition to Shaffer Elementary School in recognition of 50th Year Anniversary.
46. Authorize Certificates of Recognition to Sandra Robles-Women's Opportunity Award; Gloria Mendonca-Women of Distinction Award; Carolyn Nazabal-Soroptimist of the Year Award and Heather Perhach-Making a Difference for Women Award selected by the Soroptimist International of Los Banos.
47. Authorize Certificates of Recognition to Ruth Samberg, Michael Samberg and Deanna Brown for Making Democracy Work Award by the League of Women Voters.
48. Authorize Certificates of Recognition to individuals selected by the Livingston/Delhi Veterans of Foreign Wars and Ladies Auxiliary #8327 Annual Awards.

REVIEW BOARD ORDER – SEE PAGES 16 AND 17

49. Authorize Certificate of Recognition to Roseann and David Serrano for selection as Le Grand Community Citizens of the Year.
50. Authorize plaque to Elmer Wood Elementary School in recognition of California Dept. of Education Award as California Distinguished School.
51. Authorize Certificate of Recognition to Golden Valley High School Band for performance at Tournament of Roses Parade.
52. Authorize Certificate of Recognition to Robert Fore for recognition of service and retirement from the Merced Union High School District.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

53. Authorize Request for Proposals for Traffic Signal Maintenance Services and Public Works to review and rank proposals and authorize Chairman to sign Contract and direct Public Works to return to the Board with informational report on actions taken.

AUTHORIZED CONTRACT NO. 2008126 AS RECOMMENDED AYES: ALL

54. Contract with Merced Irrigation District for Non-Exclusive Pipeline License Agreement to allow the water lines to properly cross the Canal Right-of-Way (Le Grand Canal), to complete the Lake Yosemite Park New Automated Water System Program and adopt Resolution.

AUTHORIZED CONTRACT NO. 2008127 AND ADOPTED RESOLUTION NO. 2008-108 AS RECOMMENDED AYES: ALL

55. Settlement Agreement and Contract to Purchase Real Property with Andrews Family Trust, Leo Andrews and Ena Andrews, Trustee for acquisition of right-of-way for the Henry Street Rehabilitation Project and adopt Resolution accepting the Grant Deed and approve payment to Chicago Title for the appraised value of property plus escrow and any other transaction fee.

AUTHORIZED CONTRACT NO. 2008128 AND CONTRACT NO. 200805GD FOR GRANT DEED AND ADOPTED RESOLUTION NO. 2008-109 AS RECOMMENDED AYES: ALL

56. Settlement Agreement and Contract to Purchase Real Property with Duard Jameson and Emily Jameson for acquisition of right-of-way for the Henry Street Rehabilitation Project and adopt Resolution accepting the Grant Deed and approve payment to Chicago Title for the appraised value of property plus escrow and any other transaction fee.

AUTHORIZED CONTRACT NO. 2008129 AND CONTRACT NO. 200806GD FOR GRANT DEED AND ADOPTED RESOLUTION NO. 2008-110 AS RECOMMENDED AYES: ALL

57. Adopt Resolution authorizing Public Works or designee to sign Regional Surface Transportation Program (RSTP) Exchange Fund Apportionments Claim for FY 2007/08 in the amount of \$500,262 and submit said Claim to MCAG for processing.

AUTHORIZED CONTRACT NO. 2008130 AND ADOPTED RESOLUTION NO. 2008-111 AS RECOMMENDED AYES: ALL

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58. Acknowledge the Highway 59 Landfill Expansion EIR Addendum dated April 14, 2008 and direct Staff to file the Addendum; Rescind Resolution No. 2007-57 (Adopting a Development Policy restricting Residential development rights within one-half mile of the Highway 59 Landfill Expansion Area) and adopt new Resolution establishing a new Mitigation Measure for the Highway 59 Landfill Expansion EIR and establishes a Notice Requirement in connection with future rural residences and authorizes residential notification and disclosure of the Highway 59 Landfill and its operations within one-quarter (1/4) mile of the landfill expansion.

ADOPTED RESOLUTION NO. 2008-112 AS RECOMMENDED AYES: ALL

MENTAL HEALTH

59. Contract with Country Villa Merced Behavioral Health for locked secure service for the mentally disabled that have chronic psychiatric impairment.

AUTHORIZED CONTRACT NO. 2008139 AS RECOMMENDED AYES: ALL

60. Contract with Central Valley Regional Center to provide accessible and appropriate levels of service to individuals who are developmentally disabled and seriously emotionally disturbed.

AUTHORIZED CONTRACT NO. 2008140 AS RECOMMENDED AYES: ALL

61. Contract with Aspira Behavioral Health for specialty mental health services and therapeutic behavioral services.

AUTHORIZED CONTRACT NO. 2008141 AS RECOMMENDED AYES: ALL

62. Contract with University of Phoenix requesting use of Marie Green Psychiatric Inpatient Facility as a training facility for students enrolled in the program.

AUTHORIZED CONTRACT NO. 2008142 AS RECOMMENDED AYES: ALL

63. Authorization to submit approved Mental Health Services Act Housing Program Assignment Agreement with the State Dept. of Mental Health and adopt Resolution.

AUTHORIZED CONTRACT NO. 2008123 AND ADOPTED RESOLUTION NO. 2008-113 AS RECOMMENDED AYES: ALL

64. Authorization for Request for Proposal for consultant for Mental Health Services Act-Capital Facilities and Technological Needs Component in accordance with State Guidelines and to return to the Board for contract award and budget approval.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

65. Authorize Sole Source Contract for a Web Based Software System with CareAccess to be returned to the Board for final approval.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

66. Contract with VIA Adventures, Inc. for collaboration in the "Going Places" Project.

AUTHORIZED CONTRACT NO. 2008143 AS RECOMMENDED AYES: ALL

67. Contract with First 5 Merced County for Comprehensive Children's Injury Prevention Program.

AUTHORIZED CONTRACT NO. 2008144 AS RECOMMENDED AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

68. Contract with Human Services Agency for Social Worker Level IV to assist youth that are currently involved with gangs or group counseling to eligible youth enrolled in the CalGRIP Program.

AUTHORIZED CONTRACT NO. 2008145 AS RECOMMENDED AYES: ALL

69. Contract with Merced County Office of Education for career advisor to assist youth that are currently involved with gangs or group counseling to eligible youth enrolled in the CalGRIP Program and approve budget transfer-\$5,402.00. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2008146 AS RECOMMENDED AYES: ALL

70. Contract with Probation for identification and recruitment of Bear Creek Academy (BCA) youth that are current gang members or gang affiliated or at risk of being involved with gangs for special services to eligible youth enrolled in the CalGRIP Program.

AUTHORIZED CONTRACT NO. 2008147 AS RECOMMENDED AYES: ALL

71. Contract with Merced County Office of Education for In School Youth Program.

AUTHORIZED CONTRACT NO. 2008148 AS RECOMMENDED AYES: ALL

72. Contract with Merced County Office of Education for Out of School Youth Program.

AUTHORIZED CONTRACT NO. 2008149 AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

73. Contract with Merced County Economic Development Corporation for economic development services.

AUTHORIZED CONTRACT NO. 2008150 AS RECOMMENDED AYES: ALL

FIRE

74. Approve the upgrade of the existing Firefighter I positions to the Firefighter II status at the beginning of the FY 2008/09 (July 1, 2008) and hire Firefighter II level employees from that time forward.

APPROVED AS RECOMMENDED AYES: ALL

PLANNING

75. Contract with William Morris for the reimbursement of costs related to consultant costs for preparation of Initial Study for Minor Subdivision Application No. MS07-030 which proposes to divide three pieces of land totaling 421.1 acres into 9 parcels of between 40 and 54.72 acres in size in the Hilmar area.

AUTHORIZED CONTRACT NO. 2008125 AS RECOMMENDED AYES: ALL

76. Authorize Planning to apply for 2008 Cal-Home Application with Calif. Dept. of Housing and Community Development (HCD) with Planning to return to the Board for acceptance and award and adopt Resolution.

ADOPTED RESOLUTION NO. 2008-114 AYES: ALL

77. Contract (Memorandum of Understanding) with Merced Local Agency Formation Commission (LAFCo) for support services for the period of July 1, 2008 through June 30, 2009.

AUTHORIZED CONTRACT NO. 2008124 AS RECOMMENDED AYES: ALL

TREASURER

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78. Grant the County Treasurer Relief of Shortages in the amount of \$270.00 and authorize replenishment of the counterfeit bills.

APPROVED AS RECOMMENDED AYES: ALL

LIBRARY

79. Accept donation of \$5,000 from Tom and Joe Gong, Food 4 Less, authorize Deposit in the Merced County Library Trust Fund #02646 for purchase of children's materials and authorize Certificate in recognition of donation.

APPROVED AS RECOMMENDED AYES: ALL

80. Approve the Amended Library Collection Policy for Merced County Library.

APPROVED AS RECOMMENDED AYES: ALL

AUDITOR

81. Authorize Auditor to make the Fiscal Year Appropriations Adjustments as recommended: (1) General Fund-Transfer Salary Savings Appropriation to cover overdrawn accounts and accounts required to pay Information Systems, Communications, Fleet Service Management 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 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 (4) Authorize the Auditor-Controller to increase estimated proceeds from Taxes and Contingencies by the amount actual proceeds from taxes exceeds the estimates.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

82. Contract with TALX Corporation for Unemployment Compensation Services Agreement.

AUTHORIZED CONTRACT NO. 2005181 AS RECOMMENDED AYES: ALL

83. Contract with Calif. State Personnel Board for Administrative Law Judge (ALJ) Adjudication services.

AUTHORIZED CONTRACT NO. 2005200 AS RECOMMENDED AYES: ALL

84. Review Merced County Wireless Phone Policy provided for Board Information only.

ACKNOWLEDGED POLICY ESTABLISHED AS OPERATIONS DIRECTIVE 08-100

AYES: ALL

85. PULLED

COUNSEL

86. Contract with City of Los Banos for exchange of two parcels of real property, consisting of approximately .796 acres each and direct Staff to return for actual exchange of grant deeds for the respective parcels, after all prerequisites are met.

REVIEW BOARD ORDER – SEE PAGE 17

87. Accept and review Report of Stephen Trout, Elections Solutions Providers.

REVIEW BOARD ORDER – SEE PAGE 17

88. Act on Claims for Damages submitted by Jean Anderson (2008-03) as recommended by Risk Management and Executive Office.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

89. Review identified options and provide policy direction regarding continuance or modifications of the Unrepresented Management Resolution (2007-165), Section 5.D. pertaining to Successor Delineation.

REVIEW BOARD ORDER – SEE PAGE 18

90. Department Restructuring - Functional realignment and reorganization of the Auditor Controller, Assessor and Treasury as recommended and adopt Resolutions.

PULLED FROM THE AGENDA – NO ACTION IS TAKEN

BOARD OF SUPERVISORS

91. Authorize Special Board Project Funds-District Four to be forwarded as follows: \$2,400 to Merced County Food Bank; \$1,500 to Winton Recreation and \$2,500 to Merced County Sheriff Explorer Post 322.

APPROVED AS RECOMMENDED AYES: ALL

92. Authorize Special Board Project Funds-District Four to be forwarded to the Winton Community Lifeline in the amount of \$1,000 to support youth activities and facilitate community clean up.

APPROVED AS RECOMMENDED AYES: ALL

93. Authorize Human Resources, in conjunction with Administrative Services, to initiate the procurement of an executive search firm to perform recruitment services for the County Executive Officer position for Merced County and return to the Board with the prepared agreement for final selection and approval.

REVIEW BOARD ORDER – SEE PAGE 18

94. PULLED

BOARD APPOINTMENTS

95. Dept. of Workforce Investment - Accept resignation and post vacancy of Lyle Wright for the Workforce Investment Board.

APPROVED AS RECOMMENDED AYES: ALL

96. Dept. of Workforce Investment - Post Vacancy for 6 positions on the Workforce Investment Board - 4 public sector and 2 private sector positions as required by WIB ByLaws for Notice of Scheduled Vacancy.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED AS RECOMMENDED AYES: ALL

97. Dept. of Workforce Investment re: 2008/2009 WIA Subgrant Agreement R970546 with State Employment Development Department.

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98. Dept. of Workforce Investment re: 2007/2008 WIA Subgrant Agreement R865468, Modification 2, with the State Employment Development Department.
99. State Water Resources Control Board re: Notice of withdrawal from consideration of an amendment to the Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) to establish a total maximum daily load (TMDL) for sediment and related habitat enhancement goals in Napa River Watershed.
100. State Water Resources Control Board re: Notice of Board Meeting set for June 17, 2008.
101. State Water Resources Control Board re: Solicitation Notice - 2008 Calfed Water Quality Grant Program Concept - Proposal Applications are due by July 10, 2008 at 5:00 p.m.
102. Governor's Office of Emergency Services re: Letter to U.S. Dept. of Agriculture for designation of Merced County as a disaster due to the lack of adequate rainfall which occurred October 15, 2007 through April 30, 2008.
103. U.S. Senator Barbara Boxer re: Letter of thanks for express opposition to Railroad Competition and Service Improvement Act of 2007 (S953) and support for the Freight Rail Infrastructure Capacity Expansion Act of 2007 (S1125).
104. Federal Emergency Management Agency re: Revised Preliminary Copies of the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) Report for Merced County. (On file with Clerk)
105. State Fish and Game Commission re: Continuation Notice of Proposed Regulatory Action relative to Subsection (b) (01.1) of Section 7.50, Title 14, California Code of Regulations relating to Klamath River Sport Fishing to be published in the California Regulatory Notice Register on June 20, 2008.
106. Calif. Dept. of Fish and Game re: Bay-Delta Sport Fishing Enhancement Stamp 2008 Proposal Solicitation Notice.

ADJOURNED MEETING UNTIL TUESDAY, JULY 1, 2008 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JUNE 17, 2008

10:00 A.M. ADDED AGENDA ITEM

2008-06-17 EXECUTIVE OFFICE

The Clerk advises subsequent to posting of the Agenda for the Board Meeting of June 17, 2008, the need for action arose to consider a new Federal Aviation Administration Grant for Castle Airport.

Upon motion of Supervisor Kelsey, seconded by Supervisor Nelson, duly carried, the Board finds the need to take action arose subsequent to the posting of the June 17, 2008 Agenda and places the item from Commerce Aviation and Economic Development on the agenda for consideration.

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

Commerce, Aviation and Economic Development Executive Director John Fowler reviews the Staff Report and deadlines for Castle Airport Grant.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board accepts the "new" Federal Aviation Administration (FAA) Grant Agreement Offer (Project No. 3-06-0364-09) for Access Control and Taxiway Lighting at Castle Airport and approves and authorizes the Chairman to sign the following Contracts:

No. 2008107 with Federal Aviation Administration (FAA) for Grant Documents and related Agreement,

No. 2008108 with State Department of Transportation for Calif. Aid to Airports Program, Federal AIP Matching Funds Grant Agreement;

No. 2008109 with Cindy Bales Engineering for Contract Award for Project Completion (Base Bid plus all four Alternatives); and

Authorizes County Counsel to sign Contract No. 2008154 with FAA - Certification of Sponsor's Attorney and approves the budget transfer-\$365,908.

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

10:00 A.M. SCHEDULED ITEM

2008-06-17 PUBLIC OPPORTUNITY

Grant Wilson, Merced, states the County is violating state law and his constitutional rights, requests the Board take off the permanent ban on Medical Marijuana Dispensaries and states County Staff has not response on services that are rendered to participants. He further states concern when the Sheriff addressed him after appearing before the Board on June 10, 2008.

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

1:30 P.M. SCHEDULED ITEM

2008-06-17 EXECUTIVE OFFICE – PROPOSED BUDGET

County Executive Officer Dee Tatum reviews the Staff Report and the staffing levels and goals of Merced County.

Deputy County Executive Officer-Budget Scott DeMoss reviews the powerpoint presentation highlighting Financing Requirement, Local Resources, Budget Summary, General Purpose Revenue Requirements, Proposed Staffing and Additional Staffing Consideration for Final Budget.

Assistant County Executive Officer Jim Brown reviews the powerpoint presentation highlighting Fiscal Prudence, State Budget, Capital Facilities Planning, Human Services Agency and Mental Health – AOD Residential Treatment.

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

The Chairman closes the public hearing.

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board takes the following actions relative to the Fiscal Year 2008/2009 Proposed Budget:

1. Adopts the Proposed Budget for Fiscal Year 2008/09 as an Operating Budget until the Board adopts a Final Budget.
2. Directs that no expenditures be made for any item requiring policy direction, as listed in the Proposed Budget, without specific Board authorization.
3. Requests the Clerk of the Board make available copies of the Fiscal Year 2008/09 Proposed Budget to all interested people and advertise the Final Budget Hearings to commence on August 19, 2008, at 1:30 p.m.
4. Schedule the Public Hearing on Proposition 4 Appropriation Limitation on August 19, 2008, at 1:30 p.m.

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

1:30 P.M. SCHEDULED ITEM

2008-06-17 PUBLIC WORKS - PROPOSED BUDGET

The Clerk announces the 2008/2009 Priority List for Merced County Community and Veterans Halls is before the Board for consideration.

Public Works Director Paul Fillebrown reviews the Staff Report.

Supervisor Kelsey requests funds be allocated for the upgrade of the Snelling Community Hall.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board approves the 2008/09 Priority List for Merced County Community and Veterans Halls and authorizes Public Works to proceed with completion of the projects on the approved list in priority order, commensurate with the amount available in the approved budget.

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

1:30 P.M. SCHEDULED ITEM

2008-06-17 MENTAL HEALTH – PROPOSED BUDGET

The Clerk announces the Renewal Contract with Community Social Model Advocates, Inc. is before the Board for consideration.

County Executive Officer Dee Tatum states this proposal is a one-time use of General Fund dollars to continue residential treatment for Fiscal Year 2008/09.

Mental Health Director Frank Whitman states there is a need for residential care in the County and a supplement of \$100,000 is needed to maintain the level of residential care; however, residential care is not a mandate.

The Board discusses funding for residential care.

Lori Newman, representing Community Social Model Advocates, Inc., states concern with future funding and advises should the provider not receive adequate funding, the provider will have to reach out to other counties to seek contracts to keep solvent which would mean less beds for Merced County.

Annie Lemas, CSMA Board, comments on funding streams available to patients.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board approves and authorizes the Chairman to sign Renewal Contract No. 2005149 with Community Social Model Advocates, Inc., in the amount of \$237,589 to provide men's and women's alcohol and drug residential recovery services for Fiscal Year 2008/09, authorizes the use of one-time general fund dollars in the amount of \$100,000 to provide one-time bridge financing to Contract No. 2005149, directs the County Executive Office to identify funding for the cost of the contract amendment and authorizes the Chairman to sign all necessary documents.

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

CONSENT ITEM NO. 48

2008-06-17 BOARD OF SUPERVISORS

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board authorizes Certificates of Recognition to individuals for being selected by the Livingston/Delhi Veterans of Foreign Wars and Ladies Auxiliary #8327 as follows:

Patriot's Pen Essay: 1st Place-Sara Cervantes, 2nd Place-Hannah Ellett, 3rd Place-Ivan Mayoral and Chris Goozey; Patriot's Pen Advisors: Marianne Flynn and Kera Cohen; 2007 Veteran of the Year-William Eldridge; 2007 Delhi Law Enforcement Officer of the Year-Joe Cardena; 2007 Livingston Law Enforcement of the Year-Jose Silva; 2007 Delhi Firefighter of the Year-Scott Browning; 2007 Livingston Firefighter of the Year-David Bates; 2007 Livingston Dispatcher of the Year-Maribel Arevalo; 2007 Livingston Police Department Public Assistant of the Year-Nora Becerra; Livingston Patriotic Family-Juarez Family (Frank and Rita); Delhi Patriotic Family-Glen

Family; Livingston Patriotic Business–Amaral Dairy; Merced County Patriotic Business–Delhi Mini Storage; Livingston Patriotic Teacher Grades 9–12–Steve Rupp; Livingston Patriotic Teacher Grades 6-8–Juan Vazquez; Livingston Patriotic Teacher Grades K-5–Bonnie Kirby; Delhi Patriotic Teacher Grades K-5–Kathy Hanson; Ballico-Cressey Patriotic Teacher Grades 6-8–Susan Crowhare; Ballico-Cressy Patriotic Teacher Grades K-5–Donna Blaine; Patriotic Art: 1st Place–Angel Cabrera, 2nd Place–Miriam Martinez, 3rd Place–Ruben Arroyo; Voice of Democracy: 1st Place–Melissa Cruz-Morales, 2nd Place–Marisol Duran and Voice of Democracy Advisory–Rosemary Eismann.

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

ACTION ITEM NO. 86

2008-06-17 COUNTY COUNSEL

The Clerk announces the Contract with the City of Los Banos is before the Board for consideration.

Supervisor O'Banion states the two parcels are part of the Los Banos Fairgrounds and Fire Station and rae nearly contiguous parcels of land.

Los Banos Fire Chief Chet Guintini states the City of Los Banos will install an irrigation well and the Fire Department will build a training tower off a portion of the property.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2008151 with the City of Los Banos for the exchange of two parcels of real property consisting of approximately .796 acres each and directs Staff to return to the Board for actual exchange of grant deeds for the respective parcels after all prerequisites are met.

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

ACTION ITEM NO. 87

2008-06-17 COUNTY COUNSEL

The Clerk announces the Findings and Recommendations of Election Solution Providers is before the Board for consideration.

Auditor-Controller Steve Jones reads a statement in response to the report from Elections Solutions Providers regarding the Elections Department.

The Board Members state concerns regarding the operation of the Elections Department and Supervisor Nelson requests the Executive Officer take a look at ways to improve the operation.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board accepts the Report of Stephen Trout, Election Solutions Providers.

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

ACTION ITEM NO. 89
2008-06-17 EXECUTIVE OFFICE

The Clerk announces the review of identified options regarding continuance or modifications of Management Successor Delineation are before the Board for consideration.

County Executive Officer Dee Tatum reviews the options identified for the Board consideration and outlined in the Staff Report as Options 1, 2 and 3.

Following discussion, Supervisor Kelsey moves, seconded by Supervisor Nelson, the Board approve Option No. 1 – Modify the Unrepresented Management Resolution to eliminate the Successor Delineation for all Elected Officials and remain in affect for all appointed “A” Level Management.

The Board discusses Option No. 1, the effective date of this action and the affect on “A” Level Managers that have already announced their separation from County employment.

Treasurer-Tax Collector Karen Adams comments on the additional five percent officials receive for announcing their separation of County employment a year in advance.

Following further discussion, Supervisor Kelsey moves, seconded by Supervisor Nelson, the Board amend the original motion stating it is the Board’s intent to approve Option No. 1 – Modify the Unrepresented Management Resolution eliminating the Successor Delineation for all Elected Officials and remaining in effect for all appointed “A” Level Management with the understanding this would not affect “A” Level Managers that have already provided notice, and requests County Counsel to return with final language on July 1, 2008 for Board consideration.
Ayes: Crookham, Pedrozo, Nelson, Kelsey, O’Banion

ACTION ITEM NO. 93
2008-06-17 BOARD OF SUPERVISORS

The Clerk announces the procurement of an executive search firm for the County Executive Officer position is before the Board for consideration.

The Board discusses the recruitment process for the County Executive Officer (CEO), the option of asking the current CEO to rescind his Letter of Intent to retire and serve another year as the executive officer due to the difficult economic status of the State and County.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Nelson, duly carried, the Board tables the item until July 1, 2008 for consideration and determination of CEO withdrawing his retirement letter.
Ayes: Crookham, Pedrozo, Nelson, Kelsey, O’Banion