

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, JUNE 28, 2011

FY 2011-2012 Proposed Budget – 1:30 p.m.

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

CHAIRMAN JOHN PEDROZO.....DISTRICT 1
HUBERT “HUB” WALSH, JR.....DISTRICT 2
LINN DAVIS.....DISTRICT 3
DEIDRE F. KELSEY.....DISTRICT 4
JERRY O'BANION.....DISTRICT 5
Lydia A. Beiswanger, Chief Clerk

LARRY T. COMBS
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

Any material related to an item on this Agenda submitted to the Clerk after distribution of the Agenda packet is available for public inspection in the Office of the Clerk of the Board

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SCHEDULED ITEMS

1:30 P. M.

**THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA –
TESTIMONY IS LIMITED TO FIVE MINUTES PER PERSON
REVIEW BOARD ORDER – SEE PAGE 8**

PRESENTATION

County Executive Officer - Budget Presentation

Current Year Budget Information

REVIEW BOARD ORDER – SEE PAGE 8

FY 2011/12 PROPOSED BUDGET

Treasurer-Tax Collector-County Clerk

1. Discontinue Passport Acceptance Agency Services in the County Clerk's Office effective July 15, 2011.

APPROVED AS RECOMMENDED AYES: ALL

Mental Health/Human Services Agency

2. Evaluate all potential options for the administration and operations of the Public Guardian/Conservator/Administrator (PG/C/A) and the Area Agency on Aging (AAA). Information Only.

ACKNOWLEDGED UPDATED REPORT AYES: ALL

Dept. of Workforce Investment

3. Authorize the Reduction-In-Force of the five (5) filled positions as follows: delete two (2) Employment Training Specialist I/II (Pos 32, 117), one (1) Support Services Analyst I/II (Pos 11), one (1) Secretary III (Pos 8), and one (1) Supervising Employment & Trg Spec (Pos 26) effective July 31, 2011; delete two (2) vacant positions of Assistant Director-Workforce Investment (Pos 14) and one (1) Employment Training Specialist I/II (Pos 50) and delete the classification of Assistant Director-Workforce Investment effective June 28, 2011 and adopt Resolutions.

APPROVED RECOMMENDATION WITH MODIFICATION AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 8 AND 9

Child Support Services

4. Authorize the Reduction-In-Force of the five (5) filled positions as follows: delete one (1) Child Support Deputy Director (Pos 35), one (1) Accounting Technician (Pos 11), one (1) Office Assistant I/II (Pos 72) and two (2) Child Support Assistant I/II (Pos 33, 68) effective July 31, 2011; delete four vacant positions of three (3) Office Assistant I/II (Pos 8, 14, 71) and one (1) Child Support Assistant I/II (Pos 56) effective June 28, 2011 and adopt Resolutions.

**ADOPTED RESOLUTIONS NO. 2011-96 (SALARY) AND NO. 2011-97 (POSITION)
AS RECOMMENDED AYES: ALL**

Human Resources

5. Proposed Budget FY 2011-12 - Position Recommendations:

Authorize the Reduction-In-Force of the seventeen (17) filled positions as follows effective July 31, 2011:

Revenue & Reimbursement - BU 11100: delete two (2) Collections Clerk I/II/III (Pos 8, 22) and one (1) Revenue & Reimbursement Offcr (Pos 1);

Assessor/Recorder - BU 11200/28000: BU 11200, delete two (2) Supervising Appraiser (Pos 22, 54) and BU 28000, delete one Recorder Clerk I/II/III (Pos 13);

Dept of Admin Serv/Info Systems - BU 11500/75600: BU 11505, delete one (1) Supervising Janitor (Pos 29) and BU 75601, one (1) Programmer Analyst I/II (Pos 33), one (1) Computer Support Assistant I/II (Pos 44), and one (1) Data Base Administrator (Pos 46);

Human Resources - BU 13000: delete one (1) Support Services Assistant-Conf (Pos 14);

Commerce, Aviation & Economic Development - BU 18200: delete one (1) Asst Dir Comm., Aviation & Econ Dev (Pos 17);

Public Works - BU 19900: delete one (1) Staff Services Analyst I/II (Pos 24);

Ag. Commissioner-Animal Control - BU 28700: delete one (1) Animal Control Dispatcher (Pos 15) and one (1) Account Clerk III (Pos 8);

Human Services Agency - BU 50000: BU 50054, delete one (1) Veterans Claim Representative I/II (Pos 464);

Cooperative Extension - BU 61000: delete one (1) Office Assistant I/II (Pos 4);

Delete the following sixteen (16) vacant positions effective June 28, 2011:

Board of Supervisors - BU 10000: BU 10000, delete two (2) Deputy Board Clerk I/II (Pos 2 and 9), BU 10011, one (1) Administrative Assistant-At Will (Pos 12), BU 10013, one Administrative Assistant-At Will (Pos 14), and BU 10014, one (1) Administrative Assistant-At Will (Pos 13);

Revenue & Reimbursement - BU 11100: delete one (1) Collection Agent I/II/III (Pos 24);

Assessor - BU 11200: delete one (1) Chief of Mapping & Title Services (Pos 43) and one (1) Assessment Clerk I/II (Pos 37);

Human Resources - BU 13000: BU 13001, delete one (1) Human Resources Analyst I/II/III, (Pos 22);

Commerce, Aviation & Economic Development - BU 18200: delete one (1) Marketing/Business Retention Mgr (Pos 10);

Planning & Community Development - BU 28500: delete one (1) Office Assistant I/II (Pos 27);

Agricultural Comm-Animal Control - BU 28700: delete one (1) Animal Control Officer III (Pos 19);

Area Agency on Aging - BU 59000: BU 59007, delete one (1) Senior Services Program Specialist (Pos 2);

Public Works - BU 75500: delete one (1) Fleet Maintenance Supervisor (Pos 3);

Dept of Admin Serv-Info Systems - BU 75600: BU 75601, delete one (1) Automation Systems Analyst I/II (Pos 61) and one (1) Information Systems Manager (Pos 59);

Make the following additions and changes effective June 20, 2011:

Board of Supervisors - BU 10000: add one (1) Office Assistant I/II;

Registrar of Voters/Elections - BU 14000/14200: change one Support Services Analyst I/II (Pos 2) from BU 14200 to BU 14000;

Sealer of Weights & Measures - BU 27200: change one (1) Weights and Measures Inspector I/II/III (Pos 3) from Full Time (FT) to Variable Shift (V/S);

Cooperative Extension - BU 61000: Add one (1) Office Assistant I/II (Variable Shift) and adopt Resolutions.

APPROVED RECOMMENDATION WITH MODIFICATIONS

AYES: 1, 2, 3, 4

NOES: 5

REVIEW BOARD ORDER – SEE PAGE 9, 10 AND 11

Public Works

6. Approve the reorganization of Public Works to include the elimination of the Professional Services Division and distribution of staff and services to other functional Divisions; transfer twelve (12) filled positions as follows: From BU 27400 To BU 30000- three (3) Engineering Associate I/II/III (Pos 6, 8, 35), one (1) Supervising Engineer (Pos 23), one (1) Senior Engineering Associate (Pos 27), one (1) Road Permit Clerk (Pos 34), one (1) Project Engineer (Pos 10), and From BU 27400 To BU 19900- one (1) Office Assistant I/II (Pos. 28), one (1) Building Project Specialist (Pos 2), one (1) Deputy County Surveyor (Pos. 5), one (1) County Office Supervisor (Pos 14) and one (1) Supervising Architect (Pos. 22); and transfer two (2) allocations from BU 27400 as follows: Extra Help Project Architect to BU 19900: Extra Help Project Engineer and Extra Help Special Projects Coordinator to BU 30000; delete two allocations of Extra Help Engineering Associate I and Extra Help Student Intern and adopt the Resolution effective June 20, 2011 as part of the reorganization.

ADOPTED RESOLUTION NO. 2011-100 AS RECOMMENDED AYES: ALL

7. Approve the elimination of funding for Budget Units 70102 through 70116, all Special Recreation Areas except for 70106-EI Nido Recreation for FY 2011-12 and authorize the use of Encumbered Prior-Year Special Recreation Funds for on-going recreation needs.

APPROVED AS RECOMMENDED AYES: ALL

8. Authorize the Reduction-In-Force of two (2) filled positions in Public Works-Parks Division as follows: delete one (1) Park Maintenance Specialist (Pos 15) and one (1) Grounds Maintenance Worker I/II (Pos 22) effective July 31, 2011 and adopt the Resolutions.

APPROVED RECOMMENDATION WITH MODIFICATIONS AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 11

Library

9. Adopt proposed change of hours of operation for the Merced County Libraries as follows: District 1-George Branch, Livingston Branch, Le Grand Branch (Contract with Le Grand High School); District 2-Main Library; District 3-Atwater Library; District 4-Cressey, Gustine, Hilmar Branch, Snelling Branch and Stevinson Branch; District 5-Dos Palos Branch, Los Banos Library, South Dos Palos Branch and Santa Nella Branch; and authorizes the termination of Contract No. 2008186 for the Winton Library due to non-appropriations.

APPROVED RECOMMENDATION WITH MODIFICATIONS TO WINTON LIBRARY

AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 11 AND 12

Probation

10. Authorize the Reduction-In-Force of the five (5) filled positions as follows: BU 23404, one (1) Probation Assistant (Pos 76) and BU 23408, three (3) Deputy Probation Officer I/II/III (Pos 24, 52, 98) and one (1) Probation Assistant (Pos 69) effective July 31, 2011; approve discontinuation of the Juvenile Day Reporting Center and decreased services of Adult Day Reporting Center and adopt Resolutions.

APPROVED RECOMMENDATION WITH MODIFICATIONS AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 12 AND 13

11. Authorize the Reduction-In-Force of the five (5) filled positions in Juvenile Hall as follows: delete one (1) Assistant Chief Probation Officer (Pos 78) and four (4) Juvenile Institutions Officer I/II (Pos 9, 12, 68, 71) effective July 31, 2011; delete four (4) vacant positions as follows: two (2) Juvenile Institutions Officer III (Pos. 16, 40), one (1) Security Systems Operator (Pos 47) and one (1) Grounds Maintenance Worker I/II (Pos 79) effective June 28, 2011; authorize the closure of 15 Juvenile Facility Beds and adopt Resolutions.

APPROVED AS RECOMMENDED WITH MODIFICATIONS AYES: ALL
REVIEW BOARD ORDER – SEE PAGE 13, 14 AND 15

Public Defender

12. Select one of the following Proposed Actions:

PUBLIC DEFENDER REQUESTED ACTION:

The Board delay any Reduction-In-Force until Final Budget to give time to adjust to the loss of Extra Help Attorneys, and to see how caseloads might be affected by reductions in other departments.

OR

COUNTY EXECUTIVE OFFICE RECOMMENDED ACTION:

Authorize the Reduction-In-Force of four (4) filled positions and delete two (2) Deputy Public Defender I/II/III/IV (Pos 4, 10) and two Legal Process Clerk I/II (Pos 20, 28) effective July 31, 2011 and adopt the Resolutions.

APPROVED THE COUNTY EXECUTIVE OFFICE RECOMMENDED ACTION
AYES: 1, 2, 3, 5 NOES: 4

REVIEW BOARD ORDER – SEE PAGE 15 AND 16

District Attorney

13. Select one of the following Proposed Actions:

DISTRICT ATTORNEY REQUESTED ACTION:

Authorize the Reduction-In-Force of the two (2) filled positions and delete one (1) District Attorney Investigator I/II (Pos 89) and one (1) Investigative Assistant (Pos 37) effective July 31, 2011; delete two (2) vacant positions of one (1) Legal Process Clerk I/II (Pos 76) and one (1) Legal Assistant (Pos 64) effective June 28, 2011; change one (1) position from Assist. District Attorney (Pos 9) to Chief Deputy District Attorney to eliminate the Underfill and properly align the position with the classification performing the work as requested effective July 4, 2011 and adopt Resolutions.

OR

COUNTY EXECUTIVE OFFICE RECOMMENDED ACTION:

Authorize the Reduction-In-Force of the two (2) filled positions and delete one (1) District Attorney Investigator I/II (Pos 89) and one (1) Investigative Assistant (Pos 37) effective July 31, 2011; delete five (5) vacant positions of three (3) Deputy District Attorney I/II/III/IV (Pos 2, 15, 29), one (1) Legal Process Clerk I/II (Pos 76) and one (1) Legal Assistant (Pos 64) effective June 28, 2011; change one (1) Assist. District Attorney (Pos 9) position to Chief Deputy District Attorney to eliminate the Underfill and properly align the position with the classification performing the work as requested effective July 4, 2011 and adopt Resolutions.

APPROVED COUNTY EXECUTIVE OFFICE RECOMMENDED ACTION
AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 16 AND 17

Sheriff

14. Select one of the following Proposed Actions - Sheriff Corrections Budget:

SHERIFF REQUESTED ACTION:

Authorize the County Executive Officer (CEO) to restore funding to the Sheriff's Correctional Budget, BU 23000 to the FY 2010-11 net County cost level to keep the Main Jail in full operation for FY 2011-12 to protect the citizens of Merced County.

OR

COUNTY EXECUTIVE OFFICE RECOMMENDED ACTION:

Authorize the Reduction-In-Force of the twenty-nine (29) filled positions as follows: delete nineteen (19) Correctional Officer I/II (Pos 3, 8, 11, 15, 42, 44, 45, 51, 57, 62, 82, 83, 120, 123, 130, 134, 137, 141, 144), five (5) Correctional Sergeant/Correctional Senior Sergeant (Pos 2, 35, 117, 138, 143) and five (5) Security Systems Operator (Pos 47, 98, 101, 105, 106) effective July 31, 2011; delete four (4) vacant positions of four (4) Correctional Officer I/II (Pos 36, 50, 78, 110) effective June 28, 2011 and adopt the Resolutions.

APPROVED COUNTY EXECUTIVE OFFICE RECOMMENDATION WITH MODIFICATIONS AYES: 1, 2, 3, 4 NOES: 5

REVIEW BOARD ORDER – SEE PAGE 17, 18 AND 19

15. Select one of the following Proposed Actions - Sheriff Operations Budget:

SHERIFF REQUESTED ACTION:

Authorize the County Executive Officer (CEO) to restore funding to the Sheriff's Operations Budget BU 22100 to the FY 2010-11 net County cost level to protect the citizens of Merced County.

OR

COUNTY EXECUTIVE OFFICE RECOMMENDED ACTION:

Authorize the Reduction-In-Force of the five (5) filled positions of five (5) Deputy Sheriff/Coroner I/II (Pos 52, 62, 85, 111, 156) effective July 31, 2011; delete four (4) vacant positions as follows: three (3) Deputy Sheriff/Coroner I/II (Pos 20, 51, 140) and one (1) Sheriff Sergeant/Sheriff Senior Sergeant (Pos 11) and adopt the Resolutions.

APPROVED COUNTY EXECUTIVE OFFICE RECOMMENDATION WITH MODIFICATIONS AYES: 1, 2, 3, 5 NOES: 4

REVIEW BOARD ORDER – SEE PAGE 19

16. Select one of the following Proposed Actions - Sheriff Coroners Budget:

SHERIFF REQUESTED ACTION:

Authorize the County Executive Officer (CEO) to restore funding to the Sheriff Coroner Budget, BU 28100 to the FY 2010-11 net County cost level.

OR

COUNTY EXECUTIVE OFFICE RECOMMENDED ACTION:

Delete one (1) vacant Sheriff Community Service Tech I/II (Pos 5) and adopt Resolutions.

APPROVED COUNTY EXECUTIVE OFFICE RECOMMENDATION AND ADOPTED RESOLUTION NO. 2011-109 AYES: ALL

County Executive Office

17. Take the following actions on the FY 2011/12 Proposed Budget:

(1) Adopt the Proposed Budget for FY 2011/12 as an Operating Budget until the Board adopts a Final Budget;

(2) Direct that no expenditures be made for any item requiring policy direction, except approve the following listed capital asset at the sub-object level as appropriated in the FY 2011/12 Proposed Budget:

- a) Budget Unit 17000 Acct 87091 Main Library Elevator Jack Assembly,
- b) Budget Unit 17000 Acct 87092 SDP Library Handicap Ramp Replacement,
- c) Budget Unit 17700 Acct 87010 EOC,
- d) Budget Unit 25000 Acct 83624 Station 81 Roof,
- e) Budget Unit 25000 Acct 83625 Station 81 Repair.

(3) Direct that no Out-of-County Overnight or Out-of-State Travel takes place unless authorized by the County Executive Officer, or designee, and authorize the County Executive Officer, or designee, to approve Out-of-State Travel submitted between Proposed and Final Budget.

(4) Request the Clerk of the Board make available copies of the FY 2011/12 Proposed Budget to all interested people and advertise the Final Budget Hearings to commence on August 23, 2011 at 1:30 p.m.;

(5) Schedule the Public Hearing on Proposition 4 Appropriation Limit on August 23, 2011 at 1:30 p.m.

APPROVED AS RECOMMENDED AYES: ALL

THE MEETING IS ADJOURNED UNTIL TUESDAY, JULY 12, 2011 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JUNE 28, 2011
PROPOSED BUDGET

1:30 P.M. SCHEDULED ITEM
2011-06-28 PUBLIC OPPORTUNITY

The Chairman calls for Public Opportunity and asks if there is anyone that wishes to speak.

The following speak relative to the Winton Library:

County Librarian Jacque Miriam provides a brief update;

Teresa Miller, Winton resident, speaks in support and provides an update; Tatian St. John, Winton Library volunteer, speaks in support; Rosemary Smith, Winton resident, speaks in support.

The following speak relative to the County Negotiations and layoffs:

Sharyl Elgin, county employee; Alicia Ponder states she was part of the 2009 Reduction-In-Force process and Mary Watters, county employee.

Present: Pedrozo, Walsh, Davis, Kelsey, O'Banion

1:30 P.M. SCHEDULED ITEM
2011-06-28 FY 2011/2012 PROPOSED BUDGET

Deputy County Executive Officer Scott DeMoss reviews the FY 2011/2012 Proposed Budget powerpoint on the following categories: Available Fund Balance-After Reserves, Local Revenue-Annual Revenue Trend, Local Resources, Financing Requirements, Budget Overview, Budget Summary, Ongoing vs. One-Time Expenditures, Reserves, General Fund Contingency, County of Merced-Services Breakdown, Net County Costs, Service Areas (General Fund), Positions Recommended for Deletion-Service Area and Departments, and VLF Extension.

Assistant County Executive Officer James Brown continues with the powerpoint presentation with an overview of Questions received during the FY 2011/2012 Proposed Budget Study Session held on June 24, 2011 regarding Capital Projects Funded from Tobacco Securitization, Co-Operative Extension, Animal Control, Winton Library, Main Jail and Safety Staffing and Prior Reduction in Force. Mr. Brown also reviews County Wide vs. General Fund Position, Positions by Service Area (General Fund), Public Safety/Justice vs. other General Fund Positions and Prior Reduction in Force positions.

County Executive Officer Larry Combs reviews and comments on recommendations before the Board.

Present: Pedrozo, Walsh, Davis, Kelsey, O'Banion

CONSENT ITEM NO. 3
2011-06-28 BUDGET – DEPT. OF WORKFORCE INVESTMENT

The Clerk announces the Dept. of Workforce Investment Proposed Budget is before the Board for consideration.

County Executive Officer Larry Combs reviews the staff report and states Workforce Investment has been notified of its successful application funding award in the amount of \$950,000 from the WIA Governor's Dislocated Worker Additional Assistance Grant and upon receipt of said funds, three positions will be reinstated.

Supervisor O'Banion moves, seconded by Supervisor Davis, the Board authorize the Reduction-In-Force of five (5) filled positions: two (2) Employment Training Specialist I/II (Pos 32, 117), one (1) Support Services Analyst I/II (Pos 11), one (1) Secretary III (Pos 8), and one (1) Supervising Employment & Trg Spec (Pos 26) effective July 31, 2011; delete two (2) vacant positions: Assistant Director-Workforce Investment (Pos 14) and one (1) Employment Training Specialist I/II (Pos 50) and delete the classification of Assistant Director-Workforce Investment effective June 28, 2011 with the understanding that upon receipt of the Grant Award, Executive Office will return to the Board to reinstate three positions and adopts Resolutions No. 2011-94 (Salary) and No. 2011-95 (Position).

Supervisor Davis requests clarification on the proposed action questioning if the intent is to come back when funds are received and then the Reduction-In-Force will be modified from 5 to 2.

Mr. Combs confirms that is correct stating there will be similar statements throughout this hearing and any action that needs to be modified will be coming back to the Board to the meetings in July since all Reduction-In-Forces are effective in July.

The Chairman calls for a Vote on the Motion. Motion carries.
Ayes: Pedrozo, Walsh, Davis, Kelsey, O'Banion

CONSENT ITEM NO. 5
2011-06-28 BUDGET – HUMAN RESOURCES

The Clerk announces the Proposed Budget Human Resources recommendations are before the Board for consideration and additional modifications will be presented by Staff.

Human Resources Director Robert Morris appears before the Board and reviews recommended positions to be deleted which are necessary for the County to achieve a balanced budget. He reviews each recommendation and states there is a modification to delete the "Public Works–BU 75500, Fleet Maintenance Supervisor" line item from this recommendation and the matter will come back to the Board.

Supervisor Walsh questions the Veterans Claim Representative position elimination and the services it currently provides.

Supervisor O'Banion states concerns with the Cooperative Extension position being converted from Full-time to Variable-shift advising this is a Youth Program that Merced County has in which we reach many youth.

Following further discussion, Supervisor Kelsey moves, seconded by Supervisor Davis, the Board authorize the recommended Reduction-In-Force and deletes the 17 (seventeen) filled positions effective July 31, 2011 as listed;

Revenue & Reimbursement - BU 11100: delete two (2) Collections Clerk I/II/III (Pos 8, 22) and one (1) Revenue & Reimbursement Offcr (Pos 1);
Assessor/Recorder - BU 11200/28000: BU 11200, delete two (2) Supervising Appraiser (Pos 22, 54) and BU 28000, one Recorder Clerk I/II/III (Pos 13);
Dept of Admin Serv/Info Systems - BU 11500/75600: BU 11505, delete one (1) Supervising Janitor (Pos 29) and BU 75601, one (1) Programmer Analyst I/II (Pos 33), one (1) Computer Support Assistant I/II (Pos 44), and one (1) Data Base Administrator (Pos 46);
Human Resources - BU 13000: delete one (1) Support Services Assistant-Conf (Pos 14);
Commerce, Aviation & Economic Development - BU 18200: delete one (1) Asst Dir Comm, Aviation & Econ Dev (Pos 17);
Public Works - BU 19900: delete one (1) Staff Services Analyst I/II (Pos 24);
Ag. Commissioner-Animal Control - BU 28700: delete one (1) Animal Control Dispatcher (Pos 15) and one (1) Account Clerk III (Pos 8);
Human Services Agency - BU 50000: BU 50054, delete one (1) Veterans Claim Representative I/II (Pos 464);
Cooperative Extension - BU 61000: delete one (1) Office Assistant III (Pos 4);

Deletes the 16 (sixteen) vacant positions except withdraws "Public Works-BU 75500, Fleet Maintenance Supervisor" line item, changing the total to 15 vacant positions effective June 28, 2011 as follows:

Board of Supervisors - BU 10000: BU 10000, delete two (2) Deputy Board Clerk I/II (Pos 2 and 9), BU 10011, one (1) Administrative Assistant-At Will (Pos 12), BU 10013, one Administrative Assistant-At Will (Pos 14), and BU 10014, one (1) Administrative Assistant-At Will (Pos 13);
Revenue & Reimbursement - BU 11100: delete one (1) Collection Agent I/II/III (Pos 24);
Assessor - BU 11200: delete one (1) Chief of Mapping & Title Services (Pos 43) and one (1) Assessment Clerk I/II (Pos 37);
Human Resources - BU 13000: BU 13001, delete one (1) Human Resources Analyst I/II/III, (Pos 22);
Commerce, Aviation & Economic Development - BU 18200: delete one (1) Marketing/Business Retention Mgr (Pos 10);
Planning & Community Development - BU 28500: delete one (1) Office Assistant I/II (Pos 27);
Agricultural Comm-Animal Control - BU 28700: delete one (1) Animal Control Officer III (Pos 19);
Area Agency on Aging - BU 59000: BU 59007, delete one (1) Senior Services Program Specialist (Pos 2);
Dept of Admin. Serv-Info Systems - BU 75600: BU 75601, delete one (1) Automation Systems Analyst I/II (Pos 61) and one (1) Information Systems Manager (Pos 59);

Approves the additions and changes recommended and adds the Cooperative Extension Variable Shift position to Full Time funding in the amount of \$27-\$30,000 or \$33,000 effective June 20, 2011 as follows:

Board of Supervisors - BU 10000: add one (1) Office Assistant I/II;
Registrar of Voters/Elections - BU 14000/14200: change one Support Services Analyst I/II (Pos 2) from BU 14200 to BU 14000;
Sealer of Weights & Measures - BU 27200: change one (1) Weights and Measures Inspector I/II/III (Pos 3) from Full Time (FT) to Variable Shift (V/S);
Cooperative Extension - BU 61000: Add one (1) Office Assistant I/II and adopt Resolutions No. 2011-98 (Salary) and 2011-99 (Position).

The Chairman calls for a Vote on the Motion.

Supervisor O'Banion votes "no". Motion carries.
Ayes: Pedrozo, Walsh, Davis, Kelsey
Noes: O'Banion

CONSENT ITEM NO. 8
2011-06-28 BUDGET – PUBLIC WORKS

The Clerk announces the Public Works-Parks Budget is before the Board for consideration.

Supervisor Kelsey states her concerns and reservations about the parks upkeep in the County and suggests reduction of the positions by one person instead of two.

Public Works Director Paul Fillebrown responds stating the schedules of vacation, sick usage and other factors also need to be considered and suggest the more expensive of the 2 positions be eliminated which would keep the Grounds Maintenance worker position.

Supervisor Kelsey moves, to approve the Reduction-In-Force with the Grounds Maintenance Worker position to be retained with full funding.

Supervisor O'Banion requests the Board delay the entire matter and more information be provided to determine if we need to eliminate 1 or 2 of the positions.

County Executive Officer Larry Combs recommends the Board approve the recommendation and come back within the month to provide an analysis.

Supervisor Kelsey states she will withdraw the Motion.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board approves the recommendation and authorizes the Reduction-In-Force of two (2) filled positions in Public Works-Parks Division as follows: delete one (1) Park Maintenance Specialist (Pos 15) and one (1) Grounds Maintenance Worker I/II (Pos 22) with more information to come back to the Board on an analysis of the positions on July 12 or 28, 2011 for further discussion and before the effective date of July 31, 2011, and adopts Resolution No. 2011-101.

Ayes: Pedrozo, Walsh, Davis, Kelsey, O'Banion

CONSENT ITEM NO. 9
2011-06-28 BUDGET – LIBRARY

The Clerk advises the Merced County Library Budget is before the Board for consideration.

Supervisor Kelsey requests information on how the determination was made for the reduction in library hours for the Hilmar Library that are now cut in half.

County Librarian Jacque Meriam appears before the Board and states in order to meet the Executive Office proposed reductions, the library is requesting a reduction in library hours and reviews the proposed new library hours.

Following discussion, County Executive Officer Larry Combs suggests this be adopted as submitted but direct the CEO to work with the Librarian and agencies for a new building for Winton Library and funding to support the building and the funding to support the Winton Library to be opened at a minimum of 10 hours per week.

County Counsel Fincher states for clarification on the record, the existing contract will be terminated and will have to be negotiated on a month to month agreement at the Winton Library existing location and then this will come back to the Board for approval.

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board adopts the proposed change of hours of operation for the Merced County Libraries as follows: District 1-George Branch, Livingston Branch, Le Grand Branch (Contract with Le Grand High School); District 2-Main Library; District 3-Atwater Library; District 4-Cressey, Gustine, Hilmar Branch, Snelling Branch and Stevinson Branch; District 5-Dos Palos Branch, Los Banos Library, South Dos Palos Branch and Santa Nella Branch; and directs the Executive Officer to work with the County Librarian to acquire a new building for the Winton Library and funding to support the building to be opened at a minimum of 10 hours per week and authorizes termination of the existing Contract for the Winton Library to be re-negotiated on a month-to-month term at the existing location to come back to the Board for discussion and approval as soon as possible.
Ayes: Pedrozo, Walsh, Davis, Kelsey, O'Banion

The Board recesses at 3:00 pm and reconvenes at 3:15 p.m. with all members present.

CONSENT ITEM NO. 10
2011-06-28 BUDGET – PROBATION

The Clerk advises the Probation Proposed Budget is before the Board for consideration.

Following discussion on potential funding at the state level and the current mandates before the departments, County Executive Officer Larry Combs recommends the Board accept the recommendations as submitted and allow staff to proceed and come back to the Board in July, prior to the effective date of the layoffs with necessary funding changes.

Supervisor O'Banion moves, seconded by Supervisor Walsh, the Board authorize the Reduction-In-Force of the five (5) filled positions and deletes one (1) Probation Assistant (Pos 76)-BU 23404 and three (3) Deputy Probation Officer I/II/III (Pos 24, 52, 98) and one (1) Probation Assistant (Pos 69)-BU 23406 effective July 31, 2011; approves discontinuation of the Juvenile Day Reporting Center and decreased services of Adult Day Reporting Center and adopts Resolution No. 2011-102.

Discussion is had on possible release of offenders into the communities, AB 109 Phase-in Process and Funding and the potential lack of probation officers for the communities.

Following further discussion, Supervisor O'Banion amends the Motion, seconded by Supervisor Walsh, to include the clarification that a Study Session will be held on July 12, 2011, and the impacts will be discussed with all affected departments including Probation, Public Defender, Sheriff and District Attorney, and that specific recommendations will be brought forward and will be discussed prior to July 31, 2011 so that we do not lay off people that don't need to be or have to be.

The Chairman calls for a Vote on the Motion with Amendment. Motion carries.
Ayes: Pedrozo, Walsh, Davis, Kelsey, O'Banion

Mr. Combs clarifies there is not a release of prisoners into our county that is affected by AB 109. He states AB 109 is a phased-in process and an individual that is convicted of a crime that would go to prison as of October 1, 2011 would go into this program and a gradual build up with a caseload of 210 people will be phased-in over 2-3 years.
Present: Pedrozo, Walsh, Davis, Kelsey, O'Banion

CONSENT ITEM NO. 11
2011-06-28 BUDGET – PROBATION

The Clerk announces the Probation-Juvenile Hall Proposed Budget is before the Board for consideration.

Upon motion of Supervisor Kelsey, seconded by Supervisor Walsh, duly carried, the Board approves the County Executive Office Recommendations and authorizes the Reduction-In-Force of the five (5) filled positions in Juvenile Hall and deletes one (1) Assistant Chief Probation Officer (Pos 78) and four (4) Juvenile Institutions Officer I/II (Pos 9, 12, 68, 71), BU 2330 effective July 31, 2011; deletes four (4) vacant positions of two (2) Juvenile Institutions Officer III (Pos. 16, 40), one (1) Security Systems Operator (Pos 47) and one (1) Grounds Maintenance Worker I/II (Pos 79) effective June 28, 2011; approves the closure of 15 Juvenile Facility Beds and adopt Resolution No. 2011-103.

Ayes: Pedrozo, Walsh, Davis, Kelsey, O'Banion

Later the in the day, County Executive Officer Larry Combs states a request has been received from AFSCME relative to Extra Help being retained at Juvenile Hall.

Chief Probation Officer Scott Ball appears stating he would support the opportunity to have extra help available particularly with Staff limits during the 4th of July holiday.

Supervisor O'Banion moves, seconded by Supervisor Walsh, the Board authorize reconsideration of action taken by the Board on Agenda Item #11 relative to Juvenile Hall.

The Chairman calls for a Vote on the Motion.

Supervisor Davis votes "no". Motion carries.
Ayes: Pedrozo, Walsh, Kelsey, O'Banion
Noes: Davis

Supervisor Kelsey requests the Board reconsider Action Item #12 and #13 also. The Chairman states Action Item #11 will be finalized first and then we can consider other agenda items.

Supervisor Walsh moves, seconded by Supervisor O'Banion, the Board approve the CEO Recommendations and authorizes the Reduction-In-Force (RIF) of the five (5) filled positions in Juvenile Hall and deletes one (1) Assistant Chief Probation Officer (Pos 78) and four (4) Juvenile Institutions Officer I/II (Pos 9, 12, 68, 71), BU 2330 with the effective date of the Reduction-In-Force Notice to be July 13, 2011 and the effective date of the RIF on July 31, 2011; deletes four (4) vacant positions of two (2) Juvenile Institutions Officer III (Pos. 16, 40), one (1) Security Systems Operator (Pos 47) and one (1) Grounds Maintenance Worker I/II (Pos 79) effective June 28, 2011; approves the closure of 15 Juvenile Facility Beds and adopt Resolution No. 2011-103.

Human Services Agency Director Ana Pagan states depending on what action is taken will determine whether there is enough time to absorb any of the Reduction-In-Force Positions and if the date is moved, then there will not be proper notice and Merit System will not allow Human Services Agency to take anyone on.

Mr. Combs responds stating that affects a number of positions, including Ms. Pagan's department, that are vacant in the county and Ms. Pagan will interview people that are going to be laid off in other departments. Mr. Combs advises he believes the employees affected by these motions will not be the ones who will be considered by her department but may be wrong with respect to the Juvenile Hall positions. Because the Merit System requires the employees to have actually been given the Notice of the Layoff and while most of the positions in the county would be eligible, the few affected by these motions would not be.

Kristy Waskiewicz, AFCSME Local 2703 and for the employees in those Units represented, states in the past layoffs- we have done specific waivers of the extra help provisions and we can still vote our members on whether they are willing to waive the extra help requirements for the juvenile institutions for this without changing the effective date of the layoff which will not impact their ability. She further states basically they can still be served their layoff notices, still have the ability to compete for their jobs and we can still do a Side Letter and they do not want the Reduction-In-Force date changed.

Mr. Combs asks Ms. Waskiewicz point of clarification, does the union not want the Board to pass the motion.

AFSCME Representative Ms. Waskiewicz states what is wanted is the ability to waive the extra help provisions if that is what the membership votes for without impacting their ability to compete for other jobs and it can be done without changing the effective date to July 13. She further states what the members need and the departments need is the ability to have a Side Letter waiving the Extra Help Exclusion.

Assistant County Executive Officer (CEO) Jim Brown states in order to provide the most opportunity for the employees, Ms. Waskiewicz is recommending the Board stay with the original action and what is taking place now is also to provide an opportunity, since it is a 24-hour operation and in order to save cost and reduce overtime, for both the County and the Union to sign a Side Letter to waive the Rules, however, she will need to have a vote by her membership. He states there may be a day or two where they cannot use extra help until they have a vote.

Ms. Waskiewicz states AFSCME is willing to waive until we have a vote and if the vote is yes, no problem; but if no, it stops.

Assistant CEO Brown states based on this, then County Staff would recommend to stay with the same action and provide latitude to the Human Resources Director or County Executive Officer to sign a Side Letter if the Union votes to waive the Rule for a period of time.

Supervisor Walsh withdraws the Motion on the Floor and Supervisor O'Banion withdraws the second.

Upon motion of Supervisor O'Banion, seconded by Supervisor Walsh, duly carried, the Board reaffirms the action taken on Action Item #11 earlier of authorizing the Reduction-In-Force of the five filled positions in Juvenile Hall and deletes one (1) Assistant Chief Probation Officer (Pos 78) and four (4) Juvenile Institutions Officer I/II (Pos 9, 12, 68, 71) effective July 31, 2011; deletes four (4) vacant positions of two (2) Juvenile Institutions Officer III (Pos. 16, 40), one (1) Security Systems Operator (Pos 47) and one (1) Grounds Maintenance Worker I/II (Pos 79) effective June 28, 2011; authorizes the closure of 15 Juvenile Facility Beds and adopt Resolution No. 2011-103 with the latitude to the Human Resources Director and/or County Executive Officer to sign a Side Letter if the Union votes to waive the Rule for a period of time.

Ayes: Pedrozo, Walsh, Davis, Kelsey, O'Banion

CONSENT ITEM NO. 12

2011-06-28 BUDGET – PUBLIC DEFENDER

The Clerk announces the Public Defender Budget is before the Board for consideration.

Supervisor Kelsey moves, seconded by Supervisor Pedrozo, the Board approve the Public Defender Requested Action and delay any Reduction-In-Force until Final Budget to give time to adjust to the loss of Extra Help Attorneys, and to see how caseloads might be affected by reductions in other departments.

Supervisor O'Banion states he will not support the Motion and will support the recommendation of the County Executive Officer based on AB 109 funding issue to come back to the Board.

Supervisor Walsh states he cannot support the Motion on the Floor.

County Executive Officer Larry Combs clarifies that the Public Defender will be part of the Study Session and because there will be impacts on the office, if the Board were to approve this, we will need to move one-time funding to support this. He further reviews the process of AB 109 regarding parolee coming into the system and states the Courts are working with us to identify who does or does not meet the Public Defender criteria to be represented.

Supervisor Kelsey withdraws her Motion on the Floor.

Discussion is had on the process and cooperation with the courts, expenditure of funds to the public defender, elimination of problem areas and insuring services are being provided to the individuals that are indigent.

Public Defender Michael Pro appears and comments on the indigent client caseload, experienced attorneys in the Public Defender's office and the AB 109 violators that are represented by the Public Defender.

Supervisor Pedrozo withdraws the second.

Supervisor O'Banion moves, seconded by Supervisor Davis, the Board approve the County Executive Office Recommendation and authorize the Reduction-In-Force of four (4) filled positions and delete two (2) Deputy Public Defender I/II/III/IV (Pos 4, 10) and two Legal Process Clerk I/II (Pos 20, 28) effective July 31, 2011 and adopt Resolution No. 2011-104.

The Chairman calls for a Vote on the Motion.

Supervisor Kelsey votes "no". Motion carries.

Ayes: Pedrozo, Walsh, Davis, O'Banion

Noes: Kelsey

CONSENT ITEM NO. 13

2011-06-28 BUDGET – DISTRICT ATTORNEY

The Clerk announces the District Attorney Budget is before the Board for consideration.

Supervisor Kelsey moves, seconded by Supervisor Pedrozo, the Board approve the District Attorney Requested Action and authorize the Reduction-In-Force of the currently identified two (2) filled positions and delete one (1) District Attorney Investigator I/II (Pos 89) and one (1) Investigative Assistant (Pos 37) effective July 31, 2011; delete two (2) vacant positions of one (1) Legal Process Clerk I/II (Pos 76) and one (1) Legal Assistant (Pos 64) effective June 28, 2011; change one (1) position from Assist. District Attorney (Pos 9) to Chief Deputy District Attorney to eliminate the Underfill and properly align the position with the classification performing the work as requested effective July 4, 2011 and adopt Resolutions

Supervisor Kelsey states she will support what the District Attorney is suggesting because they cannot control the amount of crime and their jobs should not be impacted because of this.

Following discussion, County Executive Office Larry Combs states the Board will need to move one-time funds to balance the budget.

Discussion is had on the cost difference between the recommendations of the District Attorney request and the County Executive Office recommendation.

Supervisor O'Banion states we need to move forward and if AB 109 changes, take action at the time it comes forward with funding available to meet these needs.

Supervisor Kelsey states County Executive Office and the Department Head submitted their requested actions and the Board then has the ability to determine what our community and the taxpayers would or would not want. The Board needs to operate under that discretion and decide what is important and what is right.

Jeanette Pacheco, District Attorney Office Manager, states once positions are deleted, it is difficult to get the positions back into a department budget and that is why the District Attorney did not want to lose the positions.

CEO Combs states based on discussions with District Attorney Larry Morse, he is in agreement with the recommendation of the County Executive Office is sure that Ms. Pacheco can confirm this. Ms. Pacheco agrees.

The Chairman calls for a Vote on the Motion on the Floor. Motion fails.

Noes: Pedrozo, Walsh, Davis, Kelsey, O'Banion

Upon motion of Supervisor O'Banion, seconded by Supervisor Walsh, duly carried, the Board approves the County Executive Office Recommended Action and authorizes the Reduction-In-Force of the two (2) filled positions and deletes one (1) District Attorney Investigator I/II (Pos 89) and one (1) Investigative Assistant (Pos 37) effective July 31, 2011; delete five (5) vacant positions of three (3) Deputy District Attorney I/II/III/IV (Pos 2, 15, 29), one (1) Legal Process Clerk I/II (Pos 76) and one (1) Legal Assistant (Pos 64) effective June 28, 2011; change one (1) Assist. District Attorney (Pos 9) position to Chief Deputy District Attorney to eliminate the Underfill and properly align the position with the classification performing the work as requested effective July 4, 2011 and adopts Resolution No. 2011-105 (Salary) and 2011-106 (Position).

Ayes: Pedrozo, Walsh, Davis, Kelsey, O'Banion

CONSENT ITEM NO. 14

2011-06-28 BUDGET – SHERIFF-CORRECTIONS

The Clerk announces the Sheriff-Corrections Budget is before the Board for consideration

Supervisor Davis moves, seconded by Supervisor O'Banion, the Board approve the County Executive Office recommendation and authorize the Reduction-In-Force of the twenty-nine (29) filled positions as follows: delete nineteen (19) Correctional Officer I/II (Pos 3, 8, 11, 15, 42, 44, 45, 51, 57, 62, 82, 83, 120, 123, 130, 134, 137, 141, 144), five (5) Correctional Sergeant/Correctional Senior Sergeant (Pos 2, 35, 117, 138, 143) and five (5) Security Systems Operator (Pos 47, 98, 101, 105, 106) effective July 31, 2011; delete four (4) vacant positions of four (4) Correctional Officer I/II (Pos 36, 50, 78, 110) effective June 28, 2011 and adopt Resolution No. 2011-107.

Discussion is had on the additional positions added in recent years, costs per prisoner, closure of the main jail and staff layoffs that support this operation, potential cost for new standards if jail is closed, federal funds available with stipulations and AB 109 alternative funds.

Supervisor Davis states it is his understanding that the individual that makes the decision and runs the operation of the jail is the elected position and therefore, the decision on the jail situation must come from the Sheriff.

Sheriff Mark Pazin appears before the Board and responds to comments made by MCSEA President Chris Navarro and provides a summary of the programs and funds the Sheriff has achieved for the County by working with the State. Sheriff Pazin asks that this matter be tabled until July 12, 2011; and, he further requests that Action Items #14, 15 and 16 come back to the Board after the State determines what funds will be allocated and then this can be finalized.

County Counsel James Fincher states the Board is required to adopt a balanced budget on or before June 30, 2011, and to table an item would mean pulling money out of reserves. If the Board does not pass the Budget by the date of June 30, 2011, the Auditor could not fund positions legally or the budget unit.

Following discussion, County Executive Officer Larry Combs states the positions have been included in the budget to be funded through July 31, 2011 pay period. He states the budget must be balanced and advises it is anticipated Executive Office could come forward with recommendations on July 12th and technical actions on July 26th.

Further discussion ensues on the impact on courts and extra help funding.

MCSEA President Chris Navarro addresses the extra help funding issue and requests the Extra Help positions be retained.

Mr. Combs states the Unions could agree to a Waiver provision, if they waive that provision for Extra Help today in writing, then it could be done.

Human Resources Director Robert Morris appears and states the Extra Help issue is a result from MOU negotiations that require us to lay off Extra Help positions per the MOU agreed. He defers to Counsel for any potential changes.

Counsel Fincher states this would be subject to negotiations.

Mr. Combs states absence any other agreement or waiver, all extra help would be laid off today.

Mr. Navarro addresses the Board speaking in support of Extra Help positions being maintained at staffing levels.

Following a lengthy discussion, Mr. Combs states to avoid confusion and since we are not able to resolve funding issues and the MOU rules, he recommends the Reduction-In-Force notices not be issued today but to issue the Notices on July 13, 2011 and the effective date is July 31, 2011 and that would allow the Reduction-In-Force to occur and the funding issue to work out.

Mr. Fincher states what the Board is doing is taking action that Reduction-In-Force legal effect would take effect July 13, 2011, if you fail to come up with the Alternative on July 12, then Extra Help would be released and be effective July 31, 2011.

Following a lengthy discussion on the alternative suggestion being applied on other recommended action items that have come before the Board and have been discussed and possibly modifying the MOUs on file, Mr. Combs states the Board could consider modification on the other items that are similar in nature as this item as it would not affect financing in any way, it would give less notice to employees.

Mr. Navarro appears and states he has contacted his local union and as long as we get the documents in hand tomorrow, we can get the document signed.

Following further discussion on the original Motion on the Floor made by Supervisor Davis, Supervisor Davis requests the following be included and incorporated with the Motion:
Authorize the Reduction-In-Force Notice be issued on July 13, 2011 and be effective July 31, 2011.

Supervisor O'Banion states he seconded the Motion and he is agreeable to this inclusion.

The Chairman calls for a Vote on the Motion.

Supervisor O'Banion votes "no". Motion carries.

Ayes: Pedrozo, Walsh, Davis, Kelsey

Noes: O'Banion

CONSENT ITEM NO. 15

2011-06-28 BUDGET – SHERIFF-OPERATIONS

Supervisor O'Banion moves, seconded by Supervisor Davis, the Board approve the County Executive Office recommendation and authorize the Reduction-In-Force of the five (5) filled positions of five (5) Deputy Sheriff/Coroner I/II (Pos 52, 62, 85, 111, 156) with the Reduction-In-Force Notice to be issued on July 13, 2011 and be effective July 31, 2011; delete four (4) vacant positions of three (3) Deputy Sheriff/Coroner I/II (Pos 20, 51, 140) and one (1) Sheriff Sergeant/Sheriff Senior Sergeant (Pos 11) and adopt Resolution No. 2011-108.

The Chairman calls for a Vote on the Motion.

Supervisor Kelsey votes "no". Motion carries.

Ayes: Pedrozo, Walsh, Davis, O'Banion

Noes: Kelsey