

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, JUNE 05, 2012

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

JOHN PEDROZO.....DISTRICT 1
CHAIRMAN HUBERT “HUB” WALSH, JR....DISTRICT 2
LINN DAVIS.....DISTRICT 3
DEIDRE F. KELSEY....DISTRICT 4
JERRY O’BANION.....DISTRICT 5

JAMES L. BROWN
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

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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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.

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

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: PUBLIC EMPLOYEE APPOINTMENT, Title: Public Health Director

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): County of Merced v. United States of America, Federal Court Case No. 1:11-cv01934-LIO-SKO.

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957.6 concerning a Conference with County of Merced Staff Negotiators concerning negotiations with Merced County Sheriff Employee Association (MCSEA), Unit 2; Non-Safety Corrections, Unit 12;

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

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:00 A. M.

PLEDGE OF ALLEGIANCE

PUBLIC OPPORTUNITY TO SPEAK ON ANY MATTER OF PUBLIC INTEREST WITHIN THE BOARD'S JURISDICTION INCLUDING ITEMS ON THE BOARD'S AGENDA, EXCEPT FOR THOSE ITEMS SPECIFICALLY SCHEDULED AS PUBLIC HEARINGS (Testimony limited to five minutes per person)

REVIEW BOARD ORDER – SEE PAGE 9

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 32)

APPROVED AS RECOMMENDED EXCEPT ITEM 26 PULLED FOR SEPARATE DISCUSSION AYES: ALL

PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider Proposed Ordinance titled: Amending Ordinance adopting the County Service Area Number One User Charge Rates for Zones of Benefit in the 2012/2013 Fiscal Year (Amends Ordinance No. 1888 and Chapter 5.64 of the Merced County Code)

RECOMMENDATION: Open public hearing; Waive further reading of proposed ordinance and adopt Ordinance

REVIEW BOARD ORDER – SEE PAGE 9

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-32)

APPROVED AS RECOMMENDED EXCEPT ITEM 26 PULLED FOR SEPARATE DISCUSSION **AYES: ALL**

Human Services Agency

1. Approve and authorize the Chairman to sign Renewal Contract No. 2004222 with California Dept. of Aging for Senior Service Programs and adopt resolution.
ADOPTED RESOLUTION NO. 2012-50
2. Approve and authorize the Chairman to sign Renewal Contract No. 2004211 with California Dept. of Aging for Senior Case Management services (MSSP) and adopt the resolution.
ADOPTED RESOLUTION NO. 2012-51
3. Approve and authorize the Chairman to sign Renewal Contract No. 2004249 with California Dept. of Aging for Health Insurance Counseling Advocacy services (HICAP) and adopt the resolution.
ADOPTED RESOLUTION NO. 2012-52
4. Approve and authorize the Chairman to sign Renewal Contract No. 2008164 with In-Home Supportive Services Public Authority for administration of In-Home Supportive Services and Public Authority services.
5. Approve and authorize the Chairman to sign Renewal Contract No. 2009186 with Mountain Crisis Services for Shelter-based Domestic Violence services.
6. Approve and authorize the Chairman to sign Renewal Contract No. 2010135 with Aspiranet for SB 163 Wraparound services.
7. Approve and authorize the Chairman to sign Renewal Contract No. 2010136 with Aspiranet for Transitional Housing Program-Plus services.

Mental Health

8. Approve and authorize the Chairman to sign Renewal Contract No. 2011145 with Human Services Agency for implementation of the Cultural and Linguistic Outreach for Veterans as part of the Mental Health Services Act Prevention and Early Intervention.
9. Approve and authorize the Chairman to sign Renewal Contract No. 2009141 with Merced County Office of Education for expansion of their existing Caring Kids Program providing services to young children.

10. Approve and authorize the Chairman to sign Renewal Contract No. 2010170 with Community Social Model Advocates for Residential Alcohol and Drug Recovery services.
11. Approve and authorize the Chairman to sign Amendment Contract No. 2011028 with National Compadres Network to expand the MHSA Innovation Project to include the Scope of Service to include Juvenile Behavioral Health Court support services.
12. Approve and authorize the Chairman to sign Renewal Contract No. 2008190 with Merced County Office of Education for the provision of services for the Family Resource Council.
13. Approve and authorize the Chairman to sign Renewal Contract No. 2010219 with Community Social Model Advocates, Inc. for the provision of Medical Director Services.
14. Approve and authorize the Chairman to sign Renewal Contract No. 2009247 with Aspiranet for implementation of the Transition to Independence Process as part of the Mental Health Services Act Prevention and Early Intervention.
15. Approve and authorize the Chairman to sign Renewal Contract No. 2010068 with Kings View Corporation to provide Patients' Rights Advocate services.
16. Authorize Mental Health to establish three change funds of forty dollars (\$40) each at the three locations where Alcohol and Drug services are provided; Outpatient office in Merced, Judicial Programs and The Center in Merced, and Outpatient office in Los Banos.

Public Health

17. Approve and authorize the Chairman to sign Renewal Contract No. 2006016 with CalRecycle for Waste Tire Enforcement Grant (Cycle 19) to support waste tire enforcement activities; authorize the Director of Environmental Health to sign all payment requests and grant activity forms and adopt resolution.

ADOPTED RESOLUTION NO. 2012-53

18. Approve and authorize the Chairman to sign Renewal Contract No. 2004106 with State Water Resources Control Board for Local Oversight Program for FY 2012/2013; authorize the Director of Environmental Health or Designee to sign all payment requests; adopt resolution; and approve related budget transfer. (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2012-54

Ag. Commissioner

19. Approve and authorize the Chairman to sign Renewal Contract No. 2008013 with Calif. Dept. of Food and Ag. to provide for Light Brown Apple Moth Pest Detection trapping activities and adopt resolution.

ADOPTED RESOLUTION NO. 2012-55

20. Approve and authorize the Chairman to sign Renewal Contract No. 2000138 with Calif. Dept. of Food and Ag. to perform Glassy-winged Sharpshooter inspection and survey activities and adopt resolution.

ADOPTED RESOLUTION NO. 2012-56

Human Resources

21. Approve and authorize the Chairman to sign Renewal Contract No. 2007154 with Dr. Jocelyn E. Roland for pre-employment/fitness for duty examinations.

District Attorney

22. Approve and authorize the District Attorney to sign Renewal Contract No. 2007023 with Victim Compensation and Government Claims Board for continued participation in the Criminal Restitution Program for FY 2012/2013; authorize the Chairman to sign the Contractor Certification Clause Form and adopt resolution.

ADOPTED RESOLUTION NO. 2012-57

Dept. Admin. Services

23. Approve Budget Transfer in the amount of \$6,000 for replacement of failing UHF Dispatch Radio used for county-wide ambulance services at the Sheriff's Department.

County Counsel

24. Approve and Authorize the Chairman to sign Amendment Contract No. 2010236 with Greben & Associates for Professional Legal Services in association with the flood litigation.

Executive Office

25. Approve and authorize the Chairman to sign Amendment Contract No. 2005155 with Freese & Gianelli Claims Service, Inc. for Liability Claims Management services.

Board Recognition

26. Authorize Resolution in Recognition of Joshua Sean Pamer for his outstanding volunteer work at Lake Yosemite County Park.

REVIEW BOARD ORDER – SEE PAGE 10

27. Proclaim May 3, 2012 as "National Day of Prayer" in Merced County.
28. Authorize Certificates of Recognition to the following individuals selected as Law Enforcement Officers of the Year: Adolfo Lomeli, Atwater Police Department; Jose Silva, Livingston Police Department; Victor Quiralte, California Highway Patrol-Atwater; Sean Bayard, Los Banos Police Department; Thomas Melden, California Highway Patrol-Los Banos; Denise Caudillo, Merced County District Attorney Office; Steve Slocum, Merced County District Attorney Office; Brian Rodriguez, Merced Police Department; Buck Ledford, Merced Sheriff Department Operations; Jose Rios, Merced Sheriff Department Corrections, and Kari Gomez, UC Merced Police Department.
29. Authorize Certificate of Recognition to Children's Movement of Merced County in celebration of Grand Opening and Ribbon Cutting.
30. Authorize Certificate of Recognition to Motel 6 in Celebration of Ribbon Cutting.
31. Authorize Certificate of Recognition in celebration of Applegate Park Zoo 50th Anniversary.
32. Authorize Certificate of Recognition to Dyanna Ogden for being selected for the Dos Palos Good Samaritan Award.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

33. Contract with Department of Transportation (Caltrans) for Federal Apportionment Exchange and State Match Program Agreement No. X12-5939(087) to exchange Federal Funds with

Non-Federal State Highway Account Funds and adopt resolution.

AUTHORIZED CONTRACT NO. 2012113 AND ADOPTED RESOLUTION NO. 2012-58 AS RECOMMENDED AYES: ALL

MENTAL HEALTH

34. Contract with Guardco Security Services for Security Guard services at the inpatient unit and other facilities.

AUTHORIZED CONTRACT NO. 2012114 AS RECOMMENDED AYES: ALL

35. Contract with California Institute for Mental Health for services related to consultation, training and technical assistance on the integration of behavioral health and primary care.

AUTHORIZED CONTRACT NO. 2012115 AS RECOMMENDED AYES: ALL

36. Contract with Castle Family Health Centers for placement of County Clinical Staff to provide mental health and alcohol and drug services at their facilities in Atwater.

AUTHORIZED CONTRACT NO. 2012116 AS RECOMMENDED AYES: ALL

37. Contract with Castle Family Health Centers, a primary care provider of health care services in Atwater, in order to augment Mental Health services at primary care clinics.

AUTHORIZED CONTRACT NO. 2012117 AS RECOMMENDED AYES: ALL

PUBLIC HEALTH

38. Approve acceptance of funding through the California Dept. of Public Health for the California Home Visiting Program/Nurse Family Partnership for FY 2011/2012 in the amount of \$422,163 and approve related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2012118 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

39. Authorize submittal of application through the Dept. of Health and Human Services Administration for Children and Families for Child Welfare - Early Education Partnerships to Expand Protective Factors for Children with Child Welfare Involvement and return to the Board if awarded.

APPROVED AS RECOMMENDED AYES: ALL

DEPT. ADMIN. SERVICES

40. Contract with Mansfield Oil Company for Furnishing and Delivery of Vehicle Fuels.

AUTHORIZED CONTRACT NO. 2012119 AS RECOMMENDED AYES: ALL

DISTRICT ATTORNEY

41. Authorize District Attorney to accept grant funding in the amount of \$78,000 for the Foreclosure Crisis Recovery Grant Program administered by the Office of the Attorney General.

AUTHORIZED CONTRACT NO. 2012120 AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 10

COUNTY COUNSEL

42. Authorize and direct the Clerk of the Board to execute and issue the Memorandum or Notice of Non-Authorization, pursuant to Government Code Section 53853(b) and serve notice to Ballico-Cressey Elementary; McSwain Union Elementary; Planada Elementary; Weaver

Union Elementary; Los Banos Unified and Merced City School Districts that the Board of Supervisors will not authorize issuance of the Tax and Revenue Anticipation Notes (TRANS) within 45 calendar days, thereby freeing the Districts to issue the TRANS on their own respective behalves.

APPROVED AS RECOMMENDED AYES: ALL

43. Authorize and direct the Clerk of the Board to execute and issue the Memorandum pursuant to Government Code section 53853(b) and serve notice to the relevant Merced Community College District that the Board of Supervisors will not authorize issuance of the Tax and Revenue Anticipation Notes within 45 calendar days, thereby freeing the District to issue the Notes on its own behalf.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

44. Confirm the appointment of Kathleen Grassi as Public Health Director and approve "A" level benefits effective June 25, 2012.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 10 AND 11

45. Rescind the FY 2012/2013 3% salary increase for Unrepresented Management (Unit 20).

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 11

46. Confirm completion of Special Projects Manager's, Brian Cutler, duties as Acting Director of Workforce Investment as of June 3, 2012 and remove benefits conferred upon appointment; and confirm designation of Robert Morris as Acting Director of Workforce Investment effective June 4, 2012.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 11 AND 12

BOARD OF SUPERVISORS

47. Authorize \$5,000 of Special Board Project Funds - District One to be forwarded to the United Way Merced County to support re-opening of the McNamara Public Pool in South Merced.

APPROVED AS RECOMMENDED AYES: ALL

48. Authorize \$1,500 of Special Board Project Funds - District One to be used for repairs and maintenance/upgrade to the El Nido Parks & Recreation Baseball Field.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

49. Commerce, Aviation and Economic Development Revolving Loan Fund Loan Administration Board - Reappointment.

APPROVED AS RECOMMENDED AYES: ALL

50. Advisory Board on Alcohol and Other Drug Problems - Appointment.

APPROVED AS RECOMMENDED AYES: ALL

51. East Merced Resource Conservation District - Reappointments.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE

AYES: ALL

52. Commerce, Aviation & Economic Development re: Foreign-Trade Zone Operating Agreements with Krazan & Associates, Inc.

CONTRACT NO. 2012121

53. Merced County Mosquito Abatement District re: Manager's Report for April 2012.

54. Department of Conservation re: Public Acquisition of Williamson Act Lands for the Merced to Fresno Section of the California High-Speed Train Project, Merced, Madera and Fresno Counties.

55. State Water Resources Control Board re: Notice of Petition for Change License 1986 and Permits 11885, 11886 and 11887 (Applications 23, 234, 1465 and 5638).

56. State Water Resources Control Board re: Notice of Petitions for Temporary Change Involving the Transfer/Exchange Under Department of Water Resources Permit 16479 (Application 14443) and specified permits of the U.S. Bureau of Reclamation.

57. State Board of Equalization re: County Assessment Appeals Filing Period for 2012 for each county in the State of California per clerks of the county assessment appeals boards and boards of equalization requirements of Revenue and Taxation Code Section 1603.

ADOPTED RESOLUTIONS IN MEMORY OF RUSTY GANCI, WILLIAM KOENIG, AND GENOVEVA CORDOVA CASTAÑEDA, AND ADJOURNED THE MEETING UNTIL JUNE 26, 2012, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JUNE 5, 2012

10:00 A.M. SCHEDULED ITEM **2012-06-05 PUBLIC OPPORTUNITY**

Fire Chief Nancy Koerperich, introduces promotion of Kevin Smith as Deputy Chief within the Madera/Mariposa/Merced Unit of Cal Fire. As such, Kevin Smith is second in command to the Unit Chief and would act on her behalf when she is not available and will represent Merced County Fire in certain areas.

Deputy Chief Kevin Smith thanks Chief Koerperich and the Board for their support. Chief Smith states he has promoted four times within the Merced County Fire in the last 22 years within the Merced County cooperative contract and appreciates the time and the opportunity to serve again with the County of Merced

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

10:00 A.M. SCHEDULED ITEM **2012-06-05 PUBLIC WORKS – PUBLIC HEARING – ORDINANCE NO. 1894**

The time and date previously set for a public hearing to consider proposed Ordinance amending Chapter 5.64 of the Merced County Code entitled "County Service Area Number One User Charge Rates for Zones of Benefit."

The Chairman opens the public hearing and requests a staff report.

Interim Public Works Director Richard Schwarz provides a staff report, and informs the Board that this item before the Board is to amend the User Charge Rates for the Zones of Benefit throughout the County Service Area Number One. He states this item addresses two particular Zones of Benefit where electric rates have gone up and another Zone of Benefit where electricity and water rates have gone up, and both increases are well below the Proposition 18 limits.

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 Pedrozo, duly carried, the Board waives further reading of the Ordinance. Upon motion of Supervisor O'Banion, seconded by Supervisor Davis, duly carried, the Board adopts Ordinance No. 1894 to establish County Service Area Number One User Rates for the 2012/2013 fiscal year.

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

CONSENT ITEM NO. 26

2012-06-05 PUBLIC WORKS

The Clerk announces a Resolution recognizing Joshua Sean Pamer for his outstanding volunteer work at Lake Yosemite County Park is before the Board for consideration.

Interim Director of Public Works Richard Schwarz states that Joshua Sean Pamer put together a project at Lake Yosemite to earn his Boy Scout Eagle Scout rank. Joshua Sean Pamer organized the project, received donations, and recruited a labor force. He secured donations to plant a number of trees in a parking lot area in the medians to not only beautify the park, but to add shade. Joshua worked hard for a long time to organize the project.

Supervisor Walsh presents Joshua Sean Pamer with the Resolution and thanks him for his efforts.

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board authorizes a Resolution in Recognition of Joshua Sean Pamer's efforts at Lake Yosemite. Ayes: Walsh, Pedrozo, Davis, Kelsey, O'Banion.

ACTION ITEM NO. 41

2012-06-05 DISTRICT ATTORNEY

The Clerk announces grant funding for the Foreclosure Crisis Recovery Grant Program is before the Board for consideration.

Supervisor Kelsey states that the foreclosure issue is a big one and requests further information about the program

Pat Lunney, Chief of Investigations, states there are currently two investigators to work the real estate fraud issue in Merced County who are partnered with the Central Valley Task Force which is administered by the FBI. Mr. Lunney reports that cases are very long, paper intensive and require a large degree of accounting to sift through to see where the problem lies. He states this program will work as a multiplier which will allow the investigator assigned to the case to hire forensic accounting work to be done so that the investigator does not have to sift through the numbers. The program also allows for the hiring of extra help to screen through the cases so that the investigators may concentrate their resources where they really need to be.

Upon motion of Supervisor O'Banion, seconded by Supervisor Davis, duly carried, the Board authorizes the District Attorney to accept grant funding in the amount of \$78,000 for the Foreclosure Crisis Recovery Grant Program administered by the Office of the Attorney General. Ayes: Walsh, Pedrozo, Davis, Kelsey, O'Banion

ACTION ITEM NO. 44

2012-06-05 EXECUTIVE OFFICE

The Clerk announces confirmation of the appointment of Public Health Director is before the Board for consideration.

County Executive Officer James Brown recommends confirmation of Kathleen Grassi as Public Health Director and states that Ms. Grassi comes to us from Fresno County and was with Fresno County for over 20 years, where for the last six years served as Assistant Director.

Kathleen Grassi states she is grateful for the opportunity to serve in Merced County and is looking forward to working with the Health Department team and Board of Supervisors on health priorities.

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board confirms the appointment of Kathleen Grassi as Public Health Director and approves "A" level benefits effective June 25, 2012.

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

ACTION ITEM NO. 45

2012-06-05 EXECUTIVE OFFICE

The Clerk announces rescinding of FY 2012/2013 3% salary increase for Unrepresented Management (Unit 20) is before the Board for consideration.

County Executive Officer James Brown states this item is coming before the Board as an oversight issue. He states that the Board took action 3 years ago to implement certain salary adjustments for management, and the last two years they have rescinded those. When the overall plan came forward at the end of the last calendar year it was thought that the action to rescind was included. It was an oversight on staff's part. This action is needed so there is no question on the rescinding of the 3% that was implemented 3 years ago.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board rescinds the FY 12-13 3% salary increase for Unrepresented Management (Unit 20).

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

ACTION ITEM NO. 46

2012-06-05 EXECUTIVE OFFICE

The Clerk announces confirmation of completion of Special Projects Manager Brian Cutler's duties as Acting Director of Workforce Investment and confirmation of designation of Acting Director of Workforce Investment is before the Board for consideration.

Mary McWatters, President of AFSCME Local 2703, states they are very concerned because Human Resources is responsible for ensuring that elected officials, department heads, and other managers comply with federal and state employment laws as well as County Ordinances, Policies, and MOUs, not to mention compliance with EEOC rules concerning discrimination. She further states that this is a specialty, not just anyone can interpret and apply the various laws, codes, and policies correctly. The County is too large with issues too complex to leave the County with no oversight. Ms. McWatters is aware that the County Executive Officer

indicated that he and the Assistant County Executive Officer will provide the oversight, but Human Resources is not their field of expertise, not to mention the potential conflict of interest it could create. Ms. McWatters mentions recent issues faced by the County with regard to various lawsuits not to mention damaging stories featured in the newspapers. She states that number would be much higher without the knowledge and efforts of the Human Resources Director to identify and resolve violations before they rise to that level. She states there is no way the county this size can afford to be without a Human Resources Director, speaks about the County's practice of dual assignments for this type of situation, and recommends that the dual assignment apply to this situation so that the County is not left without a Human Resources Director to protect the County from lawsuits.

County Executive Officer James Brown states that the concerns regarding Human Resources are appreciated, he has confidence in the staff in the Human Resources Department, and states there would be no conflict of interest as noted by Ms. McWatters; however, because of concerns, the recommended action has been modified. Mr. Brown states that, at least on a temporary basis until Final Budget, there will be no change in the Human Resources Director.

Supervisor Kelsey states she is understanding that Mr. Morris would be a temporary Acting Director of Workforce Investment at least until Final Budget, and he will continue to function as the Human Resources Director.

County Executive Officer James Brown states that is true, it is not a permanent assignment, and Mr. Morris will be in an Acting capacity.

Mary McWatters asks if Mr. Morris will split his time so that he will be here half time so that they can have access to him.

County Executive Officer James Brown states he is not going to make any commitment at this time with regard to timeframes, but this means that staff will work as a team, and Mr. Morris will be the primary contact for EEO issues. Some HR issues will be handled by Human Resources staff, Mr. DeMoss, or County Counsel, but they will rely on Mr. Morris' expertise.

Mary McWatters reiterates her concern that Mr. Morris will not be available half time.

Upon motion of Supervisor Kelsey, seconded by Supervisor Walsh, duly carried, the Board modifies the recommendation to (1) confirms completion of Special Projects Manager Brian Cutler's duties as Acting Director of Workforce Investment as of June 3, 2012, and remove benefits conferred upon appointment; and (2) confirms designation of Robert Morris as Acting Director of Workforce Investment effective June 4, 2012, and authorizes a temporary transition pay differential up to 2%, subject to the approval of the County Executive Officer.

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