



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, APRIL 05, 2005

Closed Session – 8:30 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
KATHLEEN M. CROOKHAM....DISTRICT 2
MICHAEL G. NELSON.....DISTRICT 3
DEIDRE F. KELSEY....DISTRICT 4
CHAIRMAN JERRY O'BANION.....DISTRICT 5
Lydia A. Beiswanger, Chief Clerk

DEMITRIOS O. TATUM
COUNTY EXECUTIVE OFFICER

RUBEN E. CASTILLO
COUNTY COUNSEL

*All supporting documentation is available for public review in the Office of the Clerk of the Board of Supervisors located in the County Administration Building, Third Floor, 2222 "M" Street, Merced, California, 95340
During regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday.
(209) 385-7366*

SCHEDULED ITEMS

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) Paul Fillebrown-Public Works Director pursuant to Section 54956.8 as follows: New Courthouse

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 Subdivision (b) of Section 54956.9: 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 Subdivision (a) of Section 54956.9:

Richard Hunter et al. v. County of Merced, Merced County Court Case No. 147106

Joseph Bento v. County of Merced, Tulare County Court Case No. 04-212641

Building Industry Association of Central California, Inc. v. Los Banos Unified School Dist. et al., Merced County Court Case No. 147440

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Subdivision (f) of Section 54957.6 concerning a Conference with County of Merced Staff Negotiators concerning negotiations with American Federation of State, County and Municipal Employees (AFSCME), Unit 8; Merced County Sheriff Employee Association (MCSEA), Unit 2; Merced County Law Enforcement Sergeants, Unit P; Deputy Sheriff Association, Unit 10

THE BOARD RECESSED AT 8:30 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF

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 (See Board Clerk - Testimony limited to five minutes per person)

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) District Attorney-\$5,573; DWI-\$8,000; Sheriff-\$6,666 and Board of Supervisors-\$2,000

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 18)

APPROVED AS RECOMMENDED AYES: ALL

10:30 A. M.

PLANNING - PUBLIC HEARING

To consider Merced County's intent to apply for CDBG Funding to implement housing rehabilitation and housing acquisition program and authorize submission to Calif. Dept. of Housing and Community Development; contract to Self-Help Enterprises to come back to the Board to implement and administer the County's 2005 CDBG Grant and authorize Planning to act on the County's behalf in all matters pertaining to the Grant

REVIEW BOARD ORDER – SEE PAGE 9

SHERIFF - PUBLIC HEARING

To consider the 2005 Edward Byrne Memorial Justice Assistance Grant with U.S. Dept. of Justice

REVIEW BOARD ORDER – SEE PAGE 9

EXECUTIVE OFFICE - PUBLIC HEARING - SECOND READING AND POSSIBLE ADOPTION

To consider Proposed Ordinance entitled Ordinance Regarding First 5 Merced County

REVIEW BOARD ORDER – SEE PAGE 10

PUBLIC WORKS - PUBLIC HEARING

To consider all protests regarding the Proposed Assessment Rate Increase for the Santa Nella Village Landscaping Zone of Benefit No. 408 and to tabulate the ballots and determine if the mail out ballots are in favor or against the proposed rate increase

REVIEW BOARD ORDER – SEE PAGE 10

PUBLIC WORKS - PUBLIC HEARING

To consider all protests regarding the Proposed Assessment Rate Increase for the Camden Place Landscaping Zone of Benefit No. 117 and to tabulate the ballots and determine if the mail out ballots are in favor or against the proposed rate increase

REVIEW BOARD ORDER – SEE PAGE 10 AND 11

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items #1-18)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Adopt Resolution authorizing the Public Works Director to sign Regional Surface Transportation Program (RSTP) Exchange Fund Apportionments Outstanding Claim for Fiscal Year 2003/2004 and authorize submission of said Claim to MCAG for processing.

ADOPTED RESOLUTION NO. 2005-49

2. Adopt Resolution authorizing Public Works Director to sign Regional Surface Transportation Program (RSTP) Exchange Fund Apportionments Outstanding Claim for Fiscal Year 2002/2003 and authorize submission of said Claim to MCAG for processing.

ADOPTED RESOLUTION NO. 2005-50

3. Approve Plans and Specifications for Construction of the Public Health Parking Lot Fence, authorize competitive bids be obtained by Public Works to be returned to the Board for recommendation on award to the lowest responsive bidder.

4. Set public hearing for May 17, 2005 at 10:30 a.m. to consider proposal from Waste Management, Inc. to implement a curbside recycling program for the unincorporated urban centers within County Solid Waste Franchise Areas 1 through 5 and consider proposed amendment to Ordinance No. 1658.
5. Authorize Change Fund for Merced County Transit for the Merced Transpo Center in the amount of \$100.
6. Approve and authorize Chairman to sign Amendment to Contract No. 2002154 with Mapleton Communications for display advertising on Merced County Transit Buses.
7. Approve and authorize Chairman to sign Amendment to Contract No. 2002115 with On Target Marketing for advertising and promotion of the transit system.
8. Approve and authorize Chairman to sign Contract No. 2005048 with Valve Burners Car Club of Merced to reserve and rent all facilities east of the Le Grand Canal at Lake Yosemite on September 11, 2005 for Annual Car Show subject to conditions.

REVIEW BOARD ORDER – SEE PAGE 11

Probation

9. Approve and authorize Chairman to sign Renewal Contract No. 2004099 with Merced County Office of Education for Reimbursement of one Deputy Probation Officer.

Probation

10. Approve and authorize Chairman to sign Renewal Contract No. 2004099 with Merced County Office of Education for Reimbursement of one Deputy Probation Officer.

Health

10. Approve and authorize Chairman to sign Amendment to Contract No. 2003193 with Pacific Health Consulting Group for professional services.

Human Services Agency

11. Approve and authorize the Chairman to sign Renewal Contract No. 2004143 with Merced Union High School District for Adult Education and Training Services.
12. Approve and authorize the Chairman to sign Amendment to Contract No. 200297 with Valley Caregiver Resource Center for National Family Caregiver Support Program increasing the contract amount and term.

Executive Office

13. Act on Claims for Damages received from Sheri L. Taylor, Jorge Andrade, Kenneth Mesa, Luis Murillo, Julie Cook and Gregory Antonio, Jr.
14. Approve Travel Requests submitted by Human Services Agency, Public Works (2), Commerce Aviation and Economic Development and Sheriff as recommended by Executive Office.

County Clerk/Registrar of Voters

15. Approve Special Election for the Los Banos Unified School District to be held on Tuesday, May 24, 2005.

Treasurer-Tax Collector

16. Set public hearing for April 12, 2005 at 10:30 a.m. to consider Proposed Ordinance to amend and revise the Transient Occupancy Tax, revising Chapter 5.32 of the Merced County Code (Amends Ordinance No. 1464).

Dept. of Workforce Investment

17. Approve and authorize the Chairman to sign MOU Contracts for One-Stop Partners operations with the following: Commerce Aviation and Economic Development (CAED), Area Agency on Aging (AAA), Central Valley Opportunity Center (CVOC), Experience Works, Merced Adult School, Merced County Office of Education, Housing Authority of the County of Merced, Dept. of Workforce Investment (DWI), Community Action Agency, Merced College and Job Corps.

AUTHORIZED CHAIRMAN TO SIGN THE FOLLOWING CONTRACTS: NO. 2005051 WITH CAED; NO. 2005052 WITH AAA; NO. 2005053 WITH CVOC; NO. 2005054 WITH EXPERIENCE WORKS; NO. 2005055 WITH MERCED ADULT SCHOOL; NO. 2005056 WITH HOUSING AUTHORITY; NO. 2005057 WITH DWI; NO. 2005058 WITH COMMUNITY ACTION AGENCY; NO. 2005059 WITH MERCED COLLEGE; NO. 2005060 WITH JOB CORPS; AND NO. 2005061 WITH MCOE

Board of Supervisors Office

18. Set public hearing for April 26, 2005 at 10:30 a.m. to consider an Appeal to Conditional Use Permit No. 04010 submitted by Dolores Tagge in the Hilmar area.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

19. Contract with Fine Line Boats to use Lake Yosemite to test newly constructed power boats during normal park operating hours and during off season for a period of five years with the annual fees to be paid in December.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005062 AYES: ALL

20. Contract with Brown Construction for Construction of the New Court Building in the amount of \$14,079,000 upon review by Counsel, approve Change Order No. 1 deducting \$746,608 in value engineering items, authorize the development and circulation of an RFP to secure the services of a construction materials testing firm and return with recommended action, approve the necessary budget transfer and Contract with the State Administrative Offices of the Court, direct Executive Office to finalize the legal and financing documents and to work with the County's legislative delegation for increased funding from the State Administration Office of the Court to help reduce the term of the financing to come back to the Board. (4/5 Vote Required)

REVIEW BOARD ORDER – SEE PAGE 11 AND 12

21. Adopt Resolution authorizing exchange of unobligated balances of Federal Apportionment Exchange, State Matching Program funds for current fiscal year (04/05) with Caltrans.

AUTHORIZED CONTRACT NO. 2005049 AND ADOPTED RESOLUTION NO. 2005-51 AYES: ALL

22. Contract with City of Merced for improvements to the Merced Airport Runway Surface and authorize release of Request for Proposal to testing laboratories for testing services.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005050 AYES: ALL

HEALTH

23. Accept \$25,000 from Healthy Communities Access Program for the purposes of funding coordination and planning services for the Merced County Children's Health Initiative and Contract with Pablo Stansbery, Ph.D. to direct the planning process and approve the necessary Budget Transfer-\$75,000. (4/5 Vote Required)
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005065 AYES: ALL
24. Authorize preparation and release a Request for Proposal for a Laboratory Information Management System to upgrade the Public Health Lab Software, select the most responsive provider and return to the Board with recommended action.
APPROVED AS RECOMMENDED AYES: ALL
25. Contract with State Dept. of Health Services for FY 04/05 California Health Care for Indigents Program (CHIPS) and approve the necessary Budget Transfers-\$7,768 and \$5,172. (4/5 Vote Required)
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005066 AYES: ALL
26. FY 2004-05 Proposed Plan of Expenditures for the California Health Care for Indigents Program and authorize signing of certification Forms.
APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

27. Accept the High Intensity Drug Trafficking Program funding from the Office of National Drug Control Policy for the Sheriff's assistance in the Domestic Highway Interdiction Program in the amount of \$95,000 and approve the necessary budget transfer-\$69,587. (4/5 Vote Required)
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005067 AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

28. Authorize preparation and release of Request for Proposal for the purchase of Airfield Signs, Taxiway Lights and associated equipment for the Airfield of Castle Airport, select the most responsive provider and authorize negotiation of contract subject to concurrence of Counsel with notification to the Board.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005068 AYES: ALL
29. Authorize preparation and release of Request for Proposal for the purchase and installation of a 12,000 gal AvGas Fuel Storage System, select the most responsive provider to perform such services and return to the Board with recommended action.
APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

30. Authorize closure of the Brown Bag RFP process for FY 2004/05 due to the non-responsiveness of the proposal; authorize redirection of Brown Bag Program Funds for FY 2004/05 to the following areas: \$1,442 to Community Based Services Program-Administration; \$5,000 to Linkages Program and \$17,000 to the Alzheimer's Day Care Resource Center Program and approve the Budget Transfer-\$28,442. (4/5 Vote Required)
APPROVED AS RECOMMENDED AYES: ALL

SPRING FAIR

31. Authorize establishment of a Non-Revolving Line of Credit with County Bank-Los Banos to provide payment to sellers of the Junior Livestock Auction; these funds to be repaid as payments are received from the buyers of the Jr. Livestock Auction; Loan will be for a maximum of \$550,000 and will mature at 9/10/05, bear an interest rate set at prime which is currently 6% and cost of \$350 and authorize Auditor to issue Change Fund in the amount of \$8,000 for operation of the Fair and adopt Resolution.

ADOPTED RESOLUTION NO. 2004-52 AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

32. Authorize retroactive adjustment of wages for Linda Smith, from Pay Period 16 (2004) through Pay Period 27 (2004) in Human Services Agency.

APPROVED AS RECOMMENDED AYES: ALL

33. Authorize two weeks vacation for Brian Cooley as part of the new Chief Probation Officer's Appointment effective February 7, 2005.

APPROVED AS RECOMMENDED AYES: ALL

34. Allocate two bilingual designations for the Tax Collector Office with one bilingual designation allocated to Extra Help during the high volume tax collection season and adopt Resolution.

ADOPTED RESOLUTION NO. 2005-53 AS RECOMMENDED AYES: ALL

35. PULLED

36. Approve MOU with Merced County Sergeants Association (MCSA) representing Bargaining Unit P and with Merced County Sheriff Employees Association (MCSEA) representing Bargaining Unit 2; approve amendments to MOU with Deputy Sheriff's Association (DSA) representing Bargaining Unit 10 and with American Federation of State, County and Municipal Employees (AFSCME) representing Bargaining Unit 8; approve Resolution adopting Government Code Section 31664.1 effective July 1, 2005 for all eligible safety members of Bargaining Units 2, 8, 10, P and Unrepresented Management; adopt amendments to Resolution 2005-38 relating to Unrepresented Management; approve adjustments for Unrepresented Management Attorney classifications in District Attorney, Public Defender, Child Support and County Counsel and approve the amending resolution to the Salary Resolution.

REVIEW BOARD ORDER – SEE PAGE 12 AND 13

37. Approve the Sole Source Vendors for the procurement of specialized products due to time constraints of Image Masters for Banners-\$6,000, Masterpiece Medallions for Commemorative Medals-\$6,000 and Miller Multiplex for display panels and accessories-\$8,900 for the Merced County Sesquicentennial Celebrations.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

38. Appoint the Merced County Chamber of Commerce as the official representative of Merced County to be responsible for the County's Exhibit at the California State Fair for 2005 and authorizes the Chairman to sign the Counties Exhibits Entry Form.

APPROVED AS RECOMMENDED AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

39. Authorize appointment of Nathan Timmerman to the Workforce Investment Board Youth Council,

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

40. Winton Municipal Advisory Council - District Four.

REAPPOINTED BRENDA WILLIAMS TO SERVE AS A MEMBER OF THE WINTON MUNICIPAL ADVISORY COUNCIL UNTIL MARCH 31, 2008 AYES: ALL

41. Workforce Investment Board - Appointment.

APPOINTED ROBERT FORE, JR. TO SERVE AS MEMBER OF THE WORKFORCE INVESTMENT BOARD REPRESENTING LOCAL EDUCATION UNTIL JUNE 30, 2007 AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

APPROVED AS RECOMMENDED AYES: ALL

42. Dept. of Workforce Investment re: 2004/2005 WIA Subgrant Agreement R588733, Modification 4 with Calif. Employment Development Department.
43. Dept. of Workforce Investment re: 2004/2005 WIA Subgrant Agreement R588733, Modification 5 with Calif. Employment Development Department.
44. San Joaquin Valley Air Pollution Control District re: Notice of Public Workshop on Draft 2005 Amendments to the 2003 PM10 Plan for the San Joaquin Valley Air Basin.
45. Madera County Board of Supervisors re: Support of Assembly Bill 183, creation of a correctional conservation camp within one of the two female prisons located in Madera County.
46. Orange County Board of Supervisors re: Request for Support of AB 1033 (Daucher) Property Tax Equity.
47. Los Angeles County Fish and Game Commission re: Notice of Conference of the California County Fish and Game Commissions to be hosted by Los Angeles County Fish and Game Commission on May 13, 2005.
48. State Water Resources Control Board re: Notice of Petition for Temporary Change involving the transfer up to 125,000 acre-feet of water from the Yuba County Water Agency to the Dept. of Water Resources under Permit 15026 (Application No. 5632)
49. San Joaquin Valley Air Pollution Control District re: Notice of Public Scoping Meeting on Proposed Rules and Regulations to be held on April 12, 2005 at 9:30 a.m.
50. State Water Board re: Workshop on April 6, 2005.

ADJOURNED MEETING IN MEMORY OF STRATFORD EVANS UNTIL TUESDAY, APRIL 12, 2004 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – APRIL 5, 2005

10:30 A.M. SCHEDULED ITEM
2005-04-05 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider 2005 Community Development Block Grant (CDBG) General Allocation Application Funding to implement housing rehabilitation and housing acquisition program with California Department of Housing and Community Development as submitted by Planning.

Planning Director Bill Nicholson reviews the Staff Report advising a Sign-Up Sheet is located at the entrance of the Board Room for anyone wishing to speak.

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

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board approves and authorizes Planning to apply for 2005 Community Development Block Grant (CDBG) General Allocation Application Funding to implement housing rehabilitation and housing acquisition program, authorizes submission of said Application and authorizes the Chairman to sign Contract No. 2005047 with the State Dept. of Housing and Community Development; awards the Contract to Self-Help Enterprises to implement and administer the 2005 CDBG Grant recognizing the contract will be brought forward separately if awarded; and authorizes the Planning Director to act on Merced County's behalf in all matters pertaining to this application and contract for the purposes of implementing and administering the grant and adopts Resolution No. 2005-57.
Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

10:30 A.M. SCHEDULED ITEM
2005-04-05 SHERIFF – PUBLIC HEARING

The time and date previously set for a public hearing to consider the 2005 Edward Byrne Memorial Justice Assistance Grant with U.S. Department of Justice as submitted by the Sheriff.

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

Upon motion of Supervisor Pedrozo, seconded by Supervisor Crookham, duly carried, the Board approves the Application from Merced County for the 2005 Edward Byrne Memorial Justice Assistance Grant with the U.S. Department of Justice for funding to be utilized at the Merced County Sheriff's Station currently being built through a partnership agreement with the Delhi Unified School District at the Delhi Educational Park for perimeter and internal security of the new Merced County Sheriff's Department Law Enforcement Station and authorizes Merced County Sheriff Department/Sheriff Coroner to act as proxy for Merced County (INTERNET process) for extension and application purposes.
Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

10:30 A.M. SCHEDULED ITEM

2005-04-05 EXECUTIVE OFFICE – PUBLIC HEARING – ORDINANCE NO. 1747 ADOPTED

The time and date previously set for a public hearing to consider Second Reading and possible adoption of Proposed Ordinance, An Ordinance Regarding First 5 Merced County to adopt changes relative to the Merced County Children and Families Commission as submitted by Executive Office.

Upon motion of Supervisor Crookham, seconded by Supervisor Nelson, duly carried, the Board waives further reading of proposed ordinance entitled: Ordinance Regarding First 5 Merced County (Supercedes Ordinance No. 1674 and replaces Chapter 2.46 of the County Code).

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

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

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board adopts Ordinance No. 1747.

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

10:30 A.M. SCHEDULED ITEM

2005-04-05 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a public hearing to consider all protests regarding the proposed assessment rate increase for the Santa Nella Village Landscaping Zone of Benefit No. 408 and to tabulate the ballots and determine if the mail out ballots are in favor or against the proposed rate increase as submitted by Public Works.

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

Public Works Administrative Engineer Curt Royer reviews the Staff Report stating 154 ballots were mailed and less than 50% responded, 20 voted yes and 54 voted no. He further states the Assessment Rate Increase for the Santa Nella Village Landscaping Zone of Benefit No. 408 lost and will not be raised.

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

10:30 A.M. SCHEDULED ITEM

2005-04-05 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a public hearing to consider all protests regarding the proposed assessment rate increase for the Camden Place Landscaping Zone of Benefit No. 117 and to tabulate the ballots and determine if the mail out ballots are in favor or against the proposed rate increase as submitted by Public Works.

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

Public Works Administrative Engineer Curt Royer reviews the Staff Report stating 108 ballots were mailed and 63 did not vote with 16 voting yes and 29 voting no. He further states the Assessment Rate Increase for the Camden Place Landscaping Zone of Benefit No. 117 lost and will not be raised.

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

CONSENT ITEM NO. 8

2005-04-05 PUBLIC WORKS

Upon motion of Supervisor Pedrozo, seconded by Supervisor Crookham, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2005048 with Valve Burners Car Club of Merced to reserve and rent all facilities east of the Le Grand Canal at Lake Yosemite on September 11, 2005 for Annual Car Show subject to the following conditions.

1. Waive the vehicle park fee for participants and individuals attending the show.
2. Authorize the Car Club to charge an admission fee of \$3.00 per person, children under 12 free.
3. Authorize the Car Club to operate concessions.
4. Authorize the Car Club to provide the County of Merced with a Certificate of Insurance for comprehensive general liability, naming the County of Merced as an additional insured, in the amount required by County Risk Management.
5. Authorize the Car Club admittance to the park at 6:00 a.m. to setup and open gates at 7:00 a.m.
6. Authorize the Car Club to park cars on the turf areas of the park.
7. Waive the restriction on amplified sound equipment.

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

ACTION ITEM NO. 20

2005-04-05 PUBLIC WORKS

The Clerk announces the item before the Board is the Construction of the New Court Building.

Public Works Director Paul Fillebrown reviews the Staff Report and recommends award of the Contract to Brown Construction Inc. in the mount of \$14,079,000.

The following speak in support of the proposed project and commends the team efforts by all parties: Susan on behalf of the Administrative Office of Courts, Sheriff Mark Pazin and Judge Dougherty.

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board takes the following actions for the New Court Building Construction:

1. Authorizes the Chairman to sign Contract No. 2005063 with Brown Construction Inc. in the amount of \$14,079,000 (Base Bid and Additive Alt. #3A \$181,000.00, plus Deductive Alt. No. 5 <\$40,000.00>, plus Deductive Alt. No. 7, <\$184,000.00> for a total of <\$43,000>), upon review by Counsel,
2. Approve Change Order No. 1 deducting <\$746,608> in value engineering items,

3. Authorize Public Works to develop and circulate an RFP to secure the services of a construction materials testing firm to negotiate a fee for services and to return to the Board with a Contract recommended for Award,
4. Approve the necessary Budget Transfer in the amount of \$15,500,000 (#071),
5. Approve and authorize Chairman to sign the Memorandum of Understanding-Contract No. 2005064 with State Administrative Offices of the Court (AOC) upon review of CEO, Counsel, Public Works, Auditor and the Courts,
6. Directs County Executive Office to finalize the legal and financing documents and bring them back to the Board for consideration as soon as possible, and
7. Directs County Executive Office to work with the County's legislative delegation for increased funding from the State Administration Office of the Court to help reduce the term of financing.

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

ACTION ITEM NO. 36

2005-04-05 EXECUTIVE OFFICE

The Clerk announces the item before the Board is the recommendations on the Memorandum of Understandings (MOU's) with Unit P, Unit 2, Unit 10, Unit 8 and Unrepresented Management with the following recommended changes: Recommendation No. 7 – salary adjustments for unrepresented management attorney classifications in District Attorney, Public Defender, Child Support and County Counsel will be held over to be submitted with the Management Audit as recommended by Executive Office.

County Executive Officer Dee Tatum reviews the Staff Report and changes being recommended.

Supervisor Crookham states classifications need to be looked at across the whole board making sure that all employees are treated fairly and not dealt with in sections.

Supervisor O'Banion requests clarification on: amendment to unrepresented management Tier I and II classifications, FLSA changes and A level manager changes.

Assistant County Executive Officer James Brown responds.

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board takes the following actions and authorizes the Chairman to sign the following:

MOU-Contract No. 2005069 with Merced County Sergeants Association (MCSA) representing Bargaining Unit P;

MOU-Contract No. 2005070 with Merced County Sheriff Employees Association representing Bargaining Unit 2;

MOU-Contract No. 2005071 with Deputy Sheriff's Association (DSA) representing Bargaining Unit 10;

MOU-Contract No. 2005072 with American, Federation of State, County and Municipal Employees (AFSCME) representing Bargaining Unit 8;

Adopts Government Code Section 31664.1 effective July 1, 2005 for all eligible Safety Members of Bargaining Units 2, 8, 10, P and Unrepresented Management Safety Members and adopts Resolution No. 2005-54;

Approve a salary adjustment of 1.2 range (approximately six percent) effective Pay Period 8 for the classifications of Undersheriff, Commander-Operations and Commander-Corrections and adopts Resolution No. 2005-55;

And approves amendments to Resolution No. 2005-38 relating to Unrepresented Management and Amends Resolution No. 2005-38, Policies relating to the designation, compensation and recognition of Unrepresented Management Employees and adopts Resolution No. 2005-56.

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