



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, MAY 17, 2005

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
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

9:00 A. M.

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:

Merced County Sheriff's Dept. v. Daniel Gover (Review and Adoption of Decision and Findings of Fact)

Merced County Law Enforcement Sergeants' Association vs. County of Merced -Case No. 147223

San Joaquin Raptor Rescue Center et al v. County of Merced - Case No. 147649

THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF AND THE BOARD TOOK ACTION TO REVIEW AND ADOPT THE WRITTEN DECISION AND FINDINGS OF THE SHERIFF'S DEPARTMENT DEPUTY SHERIFF FINDINGS

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)

The following speak: Merced Conference & Visitors Bureau Representative Leslie Lawson, Director of Public Health Mr. Volanti regarding Action Item #50 and Gary Doesckle regarding Planada Community Day

PRESENTATIONS

California Department of Forestry - 100th Anniversary
Sesquicentennial Anniversary of Merced County
REVIEW BOARD ORDER – SEE PAGE 9

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Children and Families First (First 5-Merced County)-\$125,000; Human Services Agency-\$107,351 and \$13,705; Sheriff-\$3,000 and \$25,000

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items # 1 - 40)

APPROVED AS RECOMMENDED AYES: ALL

10:30 A. M.

PLANNING - PUBLIC HEARING

To consider Zone Change No. 05002 - Merced County - To rezone an approximately five foot wide strip of land, approximately 0.60 acres in area, from A-2 (Exclusive Agricultural) to A-1 (General Agricultural) located on the east side of Cunningham Road, approximately 2,000 feet north of Hainline Avenue in the Le Grand area.

REVIEW BOARD ORDER – SEE PAGE 9

10:30 A. M.

PUBLIC WORKS - PUBLIC HEARING -PROPOSED ORDINANCE

To consider a proposal from Waste Management, Inc. to implement a curbside recycling program for unincorporated urban centers within County Solid Waste Franchise Areas 1 through 5 and consider proposed ordinance: Adding Chapter 5.90 to the Merced County Code which would establish refuse

service fees for the purpose of implementing a curbside recycling program within County Solid Waste Franchise Areas 1 through 5 (Repeals Ordinance No. 1658)

REVIEW BOARD ORDER – SEE PAGES 9 THROUGH 11

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items # 1 - 40)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve Request from Le Grand Community Day Committee to use Le Grand Community Park from May 26 through 28, 2005; waive restriction on use of alcoholic beverages; approve sale of food & beverage products; approve various road closures from 8:00 a.m. to 11:00 p.m., obtain a special use permit and health permits from Environmental Health; provide additional portable restrooms and additional refuse containers as required by the Health Department; obtain liability insurance as required by Risk Management and waive amplified sound on May 28, 2005, for the Le Grand Community Day Celebration and Parade.
2. Approve and authorize Chairman to sign Amendment Contract No. 2005103 with URS Corporation for the Campus Parkway Project consultant services.

Mental Health

3. Approve and authorize the Chairman to sign Interdepartmental Renewal Contract No. 2004138 with Health Department for Urine Drug Testing Services.
4. Approve and authorize the Chairman to sign Interdepartmental Renewal Contract No. 2004103 with Human Services Agency for transportation of Interdepartmental Mail.

Sheriff

5. Approve and authorize the Chairman to sign Renewal Contract No. 2004019 with Merced Community College for Law Enforcement Management.
6. Approve and authorize Chairman to sign Amendment to Contract No. 2004233 with Turlock Irrigation District for Patrol Services.
7. Approve and authorize Chairman to sign Interdepartmental Renewal Contract No. 200198 with Mental Health for meal services to the Marie Green Psychiatric Center.

Health

8. Approve and authorize the Chairman to sign Addendum Contract No. 200249 with John & Ila Lucas for First 5 Merced County office space.
9. Approve and authorize Chairman to sign Amendment Contract No. 2004008 with California Integrated Waste Management Board for Clean-Up of Solid Waste Site in Dos Palos and

adopt Resolution.

ADOPTED RESOLUTION NO. 2005-87

Agricultural Commissioner

10. Approve and authorize Chairman to sign Renewal Contract No. 2004107 with California Cantaloupe Advisory Board for the Cantaloupe Surveillance Program and adopt Resolution.

ADOPTED RESOLUTION NO. 2005-88

11. Approve and authorize the Chairman to sign Renewal Contract No. 2004162 with Structural Pest Control Board for administration of Applicator Exams.

Human Services Agency

12. Approve and authorize Chairman to sign Renewal Contract No. 2004116 with Merced County Office of Education for Vocational Training Services.
13. Approve and authorize Chairman to sign Renewal Contract No. 2000257 with Merced Lao Family Community, Inc. to provide Welfare to Work activities to Southeast Asian participants.
14. Approve and authorize Chairman to sign Interdepartmental Renewal Contract No. 2004118 with Mental Health for Alcohol and Drug Counseling Services for Welfare to Work participants.
15. Approve and authorize Chairman to sign Renewal Contract No. 2004396 with Challenged Family Resource Center for specialized skills to adoptive/foster parents of children with special needs.
16. Approve and authorize Chairman to sign Interdepartmental Renewal Contract No. 2005105 with Health for Immunizations for CalWorks Program Participants.
17. Approve and authorize Chairman to sign Renewal Contract No. 200239 with Dos Palos/Oro Loma Joint Unified School District for Child Welfare Social Worker Services.
18. Approve and authorize the Chairman to sign Interdepartmental Renewal Contract No. 2004117 with Mental Health to provide Counseling Services to Welfare to Work participants.
19. Approve and authorize Chairman to sign Interdepartmental Renewal Contract No. 2004033 with Health for Health Related Services to Client Children.
20. Approve and authorize Chairman to sign Interdepartmental Renewal Contract No. 2003221 with Department of Workforce Investment (DWI) for Maintenance Services for the current phone system owned by DWI.
21. Approve and authorize Chairman to sign Interdepartmental Renewal Contract No. 200016 with the Auditor-Revenue & Reimbursement for Collection Services of Delinquent Accounts.
22. Approve and authorize Chairman to sign Interdepartmental Renewal Contract No. 200022 with Probation to provide services to mutual Welfare to Work participants.

Executive Office

23. Act on Claim for Damages submitted by Angelique Barboa.
24. Approve modification of Budget Calendar changing the Fiscal Year 2005/06 Proposed Budget Hearing from June 28, 2005 to June 21, 2005, at 3:00 p.m.

25. Approve and authorize Chairman to sign Renewal Membership with Merced County Association of Governments (MCAG) for Fiscal Year 2005/06 MCAG Work Program in the amount of \$24,198 as a General Membership Contribution.
26. Approve Travel Requests submitted by Ag. Commission and Probation (2) as recommended by Executive Office.

Board of Supervisors

27. Set a public hearing on June 14, 2005, at 10:30 a.m. to consider Appeal to Planning Commission decision of Minor Subdivision No. 05001 submitted by Jose Vega.

Board Recognition

28. Authorize Certificate of Recognition to Merced Scholars Charter School in Celebration of First Learning Open House.
29. Authorize Certificate of Recognition to Bernice Ramos for being selected by the Hilmar Chamber of Commerce for the Distinguished "Citizen of the Year" Award.
30. Authorize Certificate of Recognition to Jess "Pooch" Bowling for significant contributions made during his 22 years of service with the Merced County Sheriff's Department and being an historical link in a chain of service that dates back to 1855.
31. Authorize Certificates of Recognition for Law Enforcement Officers of the Year Awards as follows: William Westbrook-Los Banos City Police; Donovan Sizemore-Dos Palos City Police; Thomas O'Keefe-Los Banos Calif. Highway Patrol; Jesus Meraz-Atwater City Police; Christopher Goodwin-Merced City Police; Ronald Gonzales and Joseph Essig-Calif. Highway Patrol; John Deanda and Steve Clinton-Sheriff, Operations and Michael Baker-Livingston City Police.
32. Authorize Certificate of Recognition to Nathan Timmerman for achieving the rank of Eagle Scout.
33. Authorize Certificates of Recognition to the Atwater Chamber of Commerce Teachers of the Year, Business of the Year and Volunteer of the Year Awards.
REVIEW BOARD ORDER – SEE PAGE 11
34. Authorize Certificate of Recognition to Joe Vierra for 29 years of dedicated service as League Umpire for Gustine Youth Baseball and Softball.
35. Authorize Certificate of Recognition to Dr. Joseph Keller for dedicated service as President of the Atwater Chamber of Commerce.
36. Authorize Certificate of Recognition to Reverend Dr. Rodger D. Tylers in celebration of 25th Anniversary as Minister to the Community of Atwater as Pastor of Mt. Olive Missionary Baptist Church.
37. Authorize Certificate of Recognition to John Muir School in celebration of the First Annual John Muir Writing Festival.
38. Authorize Certificate of Recognition to Merced County Special Olympics Committee in celebration of Annual Track and Field Meet.
39. Proclaim May 5, 2005, as "National Day of Prayer" in Merced County.
40. Proclaim May 5, 2005, as "Law Day" in Merced County.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

41. Contract with Merced Irrigation District to provide electrical services for the New Courts Building.

REVIEW BOARD ORDER – SEE PAGES 11 AND 12

42. Contract with Dynaram Construction Corporation for construction of the Public Health Parking Lot Fence.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005107 AYES: ALL

43. Contract with Regents of the University of California for easement for operation of a fiber optic cable system that will connect the new campus to full telecommunications capabilities and will be located in the County's Santa Fe Drive, Franklin Road and Ashby Road right of way from Fox Road to the northeast right-of-way line of State Highway 99.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005104 AYES: ALL

44. Authorize circulation of Request for Proposals to qualified testing firms for the Spring Fair Removed Gasoline Tank Site Investigation with recommendation to be returned to the Board for award and approve the related Budget Transfer-\$42,000. (4/5 vote required)

APPROVED AS RECOMMENDED AYES: ALL

45. Authorize removal and replacement of three Underground Storage Tanks at the John Latoracca Correctional Facility with an estimated total project budget of \$170,000 and approve the related budget transfer. (4/5 vote required)

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

46. Authorize collaboration of Human Services Agency and the Merced Rescue Mission to provide shelter and services for the Homeless Women and Children of Merced County.

APPROVED AS RECOMMENDED AYES: ALL

47. Authorization for the In-Home Supportive Services Advisory Committee (IHSS) member Stipend Increase from \$25 per meeting to \$45 per meeting and approve the change to the IHSS Advisory Committee Bylaws.

APPROVED AS RECOMMENDED AYES: ALL

DEPARTMENT OF WORKFORCE INVESTMENT

48. Contract with Merced College for Licensed Vocational Nursing Training Program.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005108 AYES: ALL

49. Contract with Merced College for Registered Nurse Training Program.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005109 AYES: ALL

SHERIFF

50. Accept the 9-1-1 Dispatch Consolidation Feasibility Report regarding the development of a consolidated dispatch center and emergency operations center from Geocomm. Inc. and direct Staff to return with specific recommendations for implementation.

ACCEPTED REPORT AS RECOMMENDED AYES: ALL

51. Resolution adding four additional Correctional Officer I/II positions to BU 23000 and related budget transfer-\$21,015.

ADOPTED RESOLUTION NO. 2005-89 AS RECOMMENDED AYES: ALL

COMMERCE AVIATION AND ECONOMIC DEVELOPMENT

52. Contract with Blue Star for use of Castle Airport for Blue Star 2005 Annual Aviation Event set for May 20-22, 2005 for formation flight training activity.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005102 AYES: ALL

ADMINISTRATIVE SERVICES-INFO SYSTEMS

53. Consent to Assignment and Estoppel Certificate with Cricket California Property Company for Amendment to Contract to Mountain Union Telecom, LLC for sale of site known as construction of 60' communications tower at the McKee Fire Station.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2001170 AYES: ALL

HEALTH

54. Contract with Stephanie Russell, R.D. for Nutrition Consultant services in connection with the Child Health and Disability Prevention program and related budget transfer-\$13,500. (4/5 vote required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005114 AYES: ALL

EXECUTIVE OFFICE

55. Contract with Hazelrigg Risk Management Services for Claims Administration Services for the Merced County Self-Insured Workers Compensation Program.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005115 AYES: ALL

BOARD OF SUPERVISORS

56. Resolution designating the Merced County Arts Council as the local partner in the California Arts Council-Local Partnership Program.

ADOPTED RESOLUTION NO. 2005-90 AS RECOMMENDED AYES: ALL

57. PULLED.

BOARD APPOINTMENTS

58. Le Grand Municipal Advisory Council - District One.

APPOINTED MICHAEL MORONI TO SERVE AS A MEMBER OF THE LE GRAND MUNICIPAL ADVISORY COUNCIL UNTIL DECEMBER 7, 2008 AYES: ALL

59. Mental Health Advisory Board.

REAPPOINTED SALLY RAGONUT, REPRESENTING DISTRICT THREE, AUDREY SPANGLER AND DR. LINDA GAMBLE, REPRESENTING DISTRICT FOUR, AND ARMANDO LEYVAS, REPRESENTING MEMBER AT LARGE, TO SERVE AS MEMBERS OF THE MENTAL HEALTH ADVISORY BOARD UNTIL JUNE 30, 2008 AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

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

60. Merced County Fire Dept. re: 2004 Merced County Fire Department Accomplishments.
61. California Budget Project re: School Finance in California and the Proposition 98 Guarantee.
62. California Department of Transportation re: Notice of Preparation of Draft Environmental Impact Report for Plainsburg/Arboleda to convert State Route 99 from a four-lane expressway to six-lane freeway on eight-lane right of way.
63. State Water Resources Control Board re: Notice of Petition for Temporary Change involving Transfer of 6,000 acre-feet of water to areas within the Westlands Water District under California Dept. of Water Resources.
64. San Joaquin Valley Air Pollution Control District re: 2004 Annual Report on Toxic Emissions from Valley Facilities. (On file with the Clerk)

THE MEETING IS ADJOURNED UNTIL TUESDAY, MAY 24, 2005

BOARD ORDERS – SUMMARY ACTION MINUTES – MAY 17, 2005

10:00 A.M. SCHEDULED ITEM
2005-05-17 PRESENTATIONS

Supervisor Nelson presents a Proclamation to Fire Chief Gary Marshall recognizing the California Department of Forestry's 100th Anniversary.

Representatives from Congressman Cardoza, Senator Denham, Assembly Member Barbara Matthews and the City of Los Banos present Proclamations to the Board recognizing the Sesquicentennial Anniversary of Merced County.

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

10:30 A.M. SCHEDULED ITEM
2005-05-17 PLANNING - PUBLIC HEARING

The time and date previously set for a public hearing to consider Zone Change No. 05002 submitted by Merced County to rezone an approximate five foot wide strip of land, approximately 0.60 acres in area, from A-2 (Exclusive Agricultural) to A-1 (General Agricultural) located on the east side of Cunningham Road, approximately 2,000 feet north of Hainline Avenue in the Le Grand area.

The Clerk states the Planning and Community Development Department has requested the matter be continued to June 14, 2005.

The Chairman opens the public hearing and 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 continues the public hearing to June 14, 2005, at 10:30 a.m.

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

10:30 A.M. SCHEDULED ITEM
2005-05-17 PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE

The time and date previously set for a public hearing to consider a proposal from Waste Management, Inc. to implement a curbside recycling program for unincorporated urban centers within County Solid Waste Franchise Areas 1 through 5 and consider proposed ordinance: Adding Chapter 5.90 to the Merced County Code which would establish refuse service fees for the purpose of implementing a curbside recycling program within County Solid Waste Franchise Areas 1 through 5 (Repeals Ordinance No. 1658) submitted by Public Works.

Public Works Director Paul Fillebrown provides an overview of the Proposal stating the additional cost is \$3.99 per month per blue container. Mr. Fillebrown states without the curbside recycling program, it would be difficult for the Solid Waste Advisory Board (SWAB) to find the County is doing everything it can to meet the 50 percent diversion requirement.

County Counsel Ruben Castillo reads the Ordinance by title only: An Ordinance Adopting Refuse Service Fees and Charges for County Solid Waste Franchise Areas and Repealing Ordinance No. 1658.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Crookham, duly carried, the Board waives further reading of the Proposed Ordinance.

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

The Chairman opens the public hearing and asks if there is anyone present wishing to speak.

Speaking against the recycling program: Marvin Wallace, Julie Ballsorf, Emma Fowler, Frank Lara (Franklin Road resident) and Jeanine Nichols.

Speaking in favor of the recycling program: Merced Recycling Coalition Representative Candace Adam-Medefind; Lisa Kaiser-Grant states the Merced Recycling Coalition would like the program to be non-mandatory and submits letters of support from Wendell Hovey, Barbara/Jack Stubblefield, and Wesley/Barbara Root; Hailey Grant; Lynn Schill reads letter in support of the program from Annette Alsap; Shirley Vaughn-Hulbert; Marsh Pittmann speaks in support on behalf of Tom Grave; Charles Wilson; Dorothy Muratorre and Joann Rabith.

The Chairman closes the public hearing.

Supervisor Kelsey requests information on the recycling program being mandatory countywide.

Public Works Director Paul Fillebrown states waste collection is not mandatory in the County. The current proposal is to offer a blue can for recycling at a cost of \$3.99 but individuals can still choose to not have trash collection. The County cannot meet the diversion target unless the proposal is approved and the cities start providing recycling services as well. If the target is not met, the State will either fine the County or will see that the County enforces recycling programs. The program being proposed is the minimum necessary to comply with the law.

Supervisor Kelsey states concern with costs, the size of the cans being offered and suggests smaller cans be considered for easier handling.

Mr. Fillebrown advises the Waste Management Incorporation provides assistance for customers who are unable to take cans to the curb.

Supervisor Nelson reviews the Gilton Company services who are Solid Waste Recyclers in Modesto who then convert the items into compost. He states Gilton has been providing this service for four years and has a successful operation and he believes this may be a simple solution to meet necessary State requirements. He expresses concern with the unfunded State mandate.

Supervisor Kelsey states there needs to be outreach that there is assistance available to those that are unable to move their garbage cans to the curb and senior discounts available.

Mr. Fillebrown advises the Ordinance includes a ten percent discount for senior citizens and eligible handicapped persons.

Following a lengthy discussion and upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board directs staff to explore the concept of placing paper products in the green bin for composting purposes, increasing the discount for senior citizens and eligible handicapped persons, development of an outreach program for assistance with moving cans and return to the Board in 60 days with recommendations on the options outlined.

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

ACTION ITEM NO. 33

2005-05-17 BOARD OF SUPERVISORS

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board authorizes Certificates of Recognition to the following individuals for being selected by the Atwater Chamber of Commerce for Teacher of the Year: Eileen Ambrosini, Wendy Olono, Kristen Bizzini, Linda McNeil, Mary Herbert, Debbie Hawthorne, John Sullivan, Terri Horner, Ellen Maxwell, Edna Trindade, Marge Sadler and Darrel Lingenfelter; Corvelo Catering as Business of the Year and Connie Hunter for Volunteer of the Year.

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

ACTION ITEM NO. 41

2005-05-17 PUBLIC WORKS

The Clerk announces the Contract with Merced Irrigation District (MID) to provide electrical services for the New Courts Building is before the Board for consideration.

Supervisor Kelsey states concern with the recommendation advising she would like assurance that the County receives the lowest rate possible and requests the RFP be reissued.

Supervisor Crookham questions the timeline on the electricity connection.

Public Works Director Paul Fillebrown advises the RFP rules were clearly stated and expresses concern with future RFP processes should the RFP be re-issued.

Supervisor Nelson agrees the RFP was clear and the County needs to stay with its RFP process.

Supervisor Crookham moves, seconded by Supervisor Nelson, the Board accept Public Works recommendation to select Merced Irrigation District to provide electrical services for the New Courts Building located on 22nd Street between M and N Streets in Merced and authorize the Chairman to sign Contract No. 2005106.

Mark Hendrickson, representing Pacific Gas and Electric, states PG&E desires to provide electrical services to the Courthouse facility and there is a new rate, E31, which is applied to new development and the new Courthouse meets the criteria. He states PG&E's offer was submitted on time and reviews the comparisons used in the process.

Ken Robbins, General Counsel for Merced Irrigation District (MID), states the MID bid is a fair and low bid for services as noted in the RFP. Mr. Robbins reviews the MID and PG&E differences stating the E31 rate would require another bid process. He states going back out to bid would cut the fairness of the process.

Supervisor Kelsey states the County has a responsibility to go for the lowest bid and if a better rate is available, the County should utilize that rate.

The Chairman calls for a vote on the Motion.

Supervisors Pedrozo and Kelsey vote "no". Motion carries.

Ayes: Crookham, Nelson, O'Banion

Noes: Pedrozo, Kelsey