



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, DECEMBER 05, 2006
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
CHAIRMAN MICHAEL G. NELSON.....DISTRICT 3
DEIDRE F. KELSEY....DISTRICT 4
JERRY O'BANION.....DISTRICT 5
Lydia A. Beiswanger, Chief Clerk

DEMITRIOS O. TATUM
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

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

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE
INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE

Persons who require accommodation for any audio, visual or other disability in order to review an agenda, or to participate in a meeting of the Board of Supervisors per the American Disabilities Act (ADA), may obtain assistance by requesting such accommodation in writing addressed to the Clerk of the Board, 2222 M Street, Merced, CA 95340 or telephonically by calling (209) 385-7366. Any such request for accommodation should be made at least 48 hours prior to the scheduled meeting for which assistance is requested

The Agenda is divided into three sections:

CONSENT CALENDAR – These matters include routine financial and administrative actions and are approved by a single majority vote.

SCHEDULED ITEMS – These items are noticed hearings, work sessions and public hearings.

REGULAR CALENDAR – These items include significant policy and administration actions. Immediately after approval of the CONSENT CALENDAR, if the time of the hearing of SCHEDULED ITEMS has not arrived, the REGULAR CALENDAR will be considered.

SCHEDULED ITEMS

8:30 A. M.

CLOSED SESSION - CONFERENCE WITH REAL PROPERTY

NEGOTIATOR: It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator(s) John Fowler, Director-Commerce, Aviation and Economic Development pursuant to Government Code Section 54956.8 as follows: Castle Property

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL -

ANTICIPATED LITIGATION: It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Government Code Section 54956.9(b): Three Cases

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):

MV Transportation, Inc., v. County of Merced, Merced Superior Court Case Number 148931;

Protect Our Water v. County of Merced, Merced Superior Court Case Number 147518;

County of San Diego v. San Diego NORML et al., San Diego Superior Court Case Number GIC 860665;

Lopez v. County of Merced, United States District Court, Eastern District, Case No. 06-CV-01526-OWW-DLB;

San Joaquin Raptor Rescue Center v. County of Merced, Court of Appeal Case No. 050813:

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL -

SIGNIFICANT EXPOSURE TO LITIGATION: It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Government Code Section 54956(b): One Case

REVIEW BOARD ORDER – SEE PAGE 12

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

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 12 AND 13

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 29)

APPROVED AS RECOMMENDED PULLING ITEM #13 FROM THE CALENDAR **AYES: 1, 2, 3, 5 NOT PRESENT: 4**

PUBLIC WORKS - PUBLIC HEARING

To consider Resolution to Adjust Fees concerning the Planning and Community Development Department's Development Review Fee Schedule (Supersedes Resolution No. 2005-156)

REVIEW BOARD ORDER – SEE PAGE 13

PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE - POSSIBLE ADOPTION

To consider An Ordinance amending Section 17.40.020, "Fee Schedule" of the Merced County Code to increase fees for processing and examining parcel maps, subdivision maps, and record of survey maps (Amending Section 17.40.020 of the Merced County Code and Ordinance No. 1761)

REVIEW BOARD ORDER – SEE PAGE 13 AND 14

PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE - POSSIBLE ADOPTION

To consider An Ordinance to adjust the fees for Improvement Plan Review and Construction Inspection of subdivision projects and miscellaneous document review and processing (Amends Section 16.08.030.D.3 and D.4 of the Merced County Code and Ordinance No. 1760)

REVIEW BOARD ORDER – SEE PAGE 14

PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE – POSSIBLE ADOPTION

To consider An Ordinance to adjust the fees for Encroachment Permits (Amends Ordinance No. 1698 and Section 13.30.030 of the Merced County Code)

REVIEW BOARD ORDER – SEE PAGE 14 AND 15

HEALTH - PUBLIC HEARING - PROPOSED ORDINANCE - POSSIBLE ADOPTION

To consider An Ordinance amending Chapters 9.04, 9.08 and 9.12 of the Merced County Code entitled "Refuse-Definitions and Administration", "Refuse-Disposal" and "Refuse-Collectors", Respectively (Amending Ordinance No. 1589 and 1601)

REVIEW BOARD ORDER – SEE PAGE 15

10:00 A. M.

HEALTH - PUBLIC HEARING - PROPOSED ORDINANCE - POSSIBLE ADOPTION

To consider An Ordinance amending the Health Department Fee Ordinance, by adopting or changing fees set for Health Services Performed by the Health Officer of Merced County (Amends Ordinance No. 1762 and Title 9 General Health and Safety, Chapter 9.49)

REVIEW BOARD ORDER – SEE PAGE 15 AND 16

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PUBLIC HEARING - PROPOSED ORDINANCE - POSSIBLE ADOPTION

To consider An Ordinance to enforce cable and video customer service and protection standards with penalties and to establish a fee to support education and government channel facilities

REVIEW BOARD ORDER – SEE PAGE 16

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items #1 - 29)

APPROVED AS RECOMMENDED REMOVING ITEM NO. 13 FROM THE AGENDA

AYES: 1, 2, 3, 5 NOT PRESENT: 4

Human Services Agency

1. Approve and authorize Chairman to sign Renewal Contract No. 2005170 with Merced County Office of Education for Counseling Services.
2. Approve and authorize Chairman to sign Renewal Contract No. 2005301 with Merced County Community Action Board, Inc. to provide emergency homeless shelter services to indigent males and females (cold weather shelter).

Child Support Services

3. Approve and authorize Chairman to sign Renewal Contract No. 200171 with Print N Mail, Inc. for Bulk Mail Processing.
4. Approve and authorize Chairman to sign Renewal Contract No. 2004387 with Admin. Services-Information Systems for Plan of Cooperation.

Public Works

5. Adopt Resolution annexing Luis Estates Subdivision No. 02003 into the Santa Nella Village Landscaping Maintenance Zone of Benefit No. 408 in County Service Area Number One.
ADOPTED RESOLUTION NO. 2006-205
6. Adopt Resolution annexing the Santa Nella Village Phase 4A and 4B Major Subdivision No. 04007 and Luis Estates Major Subdivision No. 02003 into the Santa Nella Village Drainage Maintenance Zone of Benefit No. 407 in County Service Area Number One.
ADOPTED RESOLUTION NO. 2006-206

7. Adopt Resolution annexing the Santa Nella Village Phase 4A and 4B Major Subdivision No. 04007 into the Santa Nella Village Landscaping Maintenance Zone of Benefit No. 414 in County Service Area Number One.

ADOPTED RESOLUTION NO. 2006-207

8. Adopt Resolution annexing the Santa Nella Village Phase 4A and 4B Major Subdivision No. 04007 and Luis Estates Major Subdivision No. 02003 into the Santa Nella Village Road Maintenance Zone of Benefit No. 410 in County Service Area Number One.

ADOPTED RESOLUTION NO. 2006-208

9. Adopt Resolution annexing the Santa Nella Village Phase 4A and 4B Major Subdivision No. 04007 and Luis Estates Major Subdivision No. 02003 into the Santa Nella Village Lighting Maintenance Zone of Benefit No. 400 in County Service Area Number One.

ADOPTED RESOLUTION NO. 2006-209

10. Approve Budget Transfers in the amount of \$18,000 and \$400 as recommended by Executive Office.

Executive Office

11. Approve and authorize Chairman to sign Renewal Contract No. 2004363 with Pacificare of California for period of January 1, 2007 to December 31, 2007 for Medicare HMO.
12. Act on Claims for Damages received from Teresa Ruiz (2006-583 and 2006-584), Ryan Ramsey (2006-61), Jeff Mondloch (2006-570), Howard Scoggins (2006-73), Amber Mesa (2006-68), Estate of David Heller (2006-66), John A. Crangle (2006-512), Lois Jimenez (2006-85), Elisondo Chiprez (2006-579) and Jacqueline Kifle (2006-508).
13. Approve and authorize Chairman to sign Renewal Contract No. 2003283 with Merced County Coalition of Unions for Health, Dental and Vision Coverage for 2007.

PULLED FROM THE AGENDA – NO ACTION TAKEN

14. Approve and authorize Chairman to sign Renewal Contract No. 2004364 with Professional Benefit Services for Dental Claims Administration.
15. Approve Travel Requests submitted by District Attorney and Mental Health as recommended by Executive Office.

Treasurer

16. Resolution delegating investment authority to the County Treasurer for the 2007 Calendar Year under Government Code Section 27000.1 and 53607.

ADOPTED RESOLUTION NO. 2006-210

Commerce, Aviation and Economic Development

17. Approve and authorize Chairman to sign Renewal Contract No. 2003201 with SBC DataComm, Inc. dba AT&T DataComm, Inc. in connection with the FOCUS Program Procurement Vehicle for Homeland Security voice and data solutions.
18. Approve and authorize Chairman to sign Renewal Contract No. 2005081 with SBC DataComm, Inc. dba AT&T DataComm, Inc. in connection with the FOCUS Program Procurement Vehicle for general voice and data solutions.

Board Recognition

- 19. Authorize Certificate of Recognition to Castle Air Museum in celebration of 25th Anniversary.
- 20. Authorize Certificate of Recognition to Rudy Trevino for dedicated service as Mayor of the City of Atwater.
- 21. Authorize Plaque to Mayor Michael Amabile in recognition of public service to the City of Los Banos.
- 22. Authorize Certificate of Recognition and Plaque to Donald V. Hutchins as Police Chief to the City of Gustine and for 27 years of dedicated service in law enforcement.
- 23. Authorize Certificate of Recognition to Merced County Alzheimer's/Caregiver Advisory Council for continued service and commitment to caregivers, patients and families of the County of Merced.
- 24. Authorize Plaque to Emmanuel Southern Baptist Church in recognition of their 65th Anniversary.
- 25. Authorize Certificate of Recognition to Moore's Martial Arts Academy for Ribbon Cutting.
- 26. Authorize Plaque in recognition of Joseph Edward Gallo Recreation and Wellness Center in recognition of Grand Opening.

Health

- 27. Proclaim December 1, 2006 as World AIDS Day in Merced County.

Sheriff

- 28. Approve and authorize Chairman to sign Renewal Contract No. 2005272 with San Luis High School District for Canine Drug Patrol.

Clerk-Registrar of Voters

- 29. Certify the General Election Results held on November 7, 2006.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

- 30. Authorize revised Project Budget for Automation of the Irrigation System at Winton Park and authorize public bid process, receive bids and return to the Board with recommendation if the bids received are within the established budget; approve use of funds from Trust #02497 Parkland Dedication Fees and approve the necessary budget transfer-\$65,000. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

31. Resolution authorizing Cooperative Agreement No. 10-196 with Calif. Dept. of Transportation covering the installation of traffic signals on State Highway 165 at August Avenue in Hilmar.

ADOPTED RESOLUTION NO. 2006-211 AND AUTHORIZED CONTRACT NO. 2006301 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

HUMAN SERVICES AGENCY

32. Approve Merced County Senate Bill (SB) 163 Wraparound Plan with Mental Health, Probation, Merced County Office of Education and Human Services Agency as required for condition to receive MHSA funds and authorize issuance of RFP for a vendor to manage the plan with HSA to come back to the Board for final award approval.

AUTHORIZED CONTRACT NO. 2006307 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

33. Contract with Merced County Office of Education for Family Counseling Services.

AUTHORIZED CONTRACT NO. 2006308 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

34. Contract with Merced Lao Family Community, Inc. for Home Visitor Services.

AUTHORIZED CONTRACT NO. 2006309 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

35. Accept the Surplus Property Inventory Items from C-IV Consortium of seven Sun V880 Servers, two Sony 35" Televisions, one Polycom View Station and two Polycom Cabinets.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

FIRE-OFFICE OF EMERGENCY SERVICES

36. Authorize acceptance of 2006 Homeland Security Grant Funds and authorize Chairman to sign Contract with Governor's Office of Homeland Security for the Merced Operational area; authorize purchase of Countywide Reverse 911 System through General Services Administration (GSA) and authorize use of remainder grant funds for interoperable communication upgrades, training and Countywide Weapons of Mass Destruction exercise.

AUTHORIZED CONTRACT NO. 2006310 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

TREASURER

37. Accept the Quarterly Investment Report for the period ending September 30, 2006 and the Statement of Investment Policy for the Year 2007.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

DEPT. OF WORKFORCE INVESTMENT

38. Authorize termination of the Memorandum of Understanding known as Contract No. 2005054, with Experience Works for Senior Community Service Employment Program.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

39. Ratify Application to the State Employment Development Department for Special Populations Worker Funds and direct the Director of Workforce Investment to return to the Board if awarded for final Board approval.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

40. Contract with Ambrosio Siatong for Castle Airport Sublease for approximately 1,200 square feet of land located on the airport parking ramp at Castle Airport Aviation and Development Center to place a privately owned portable t-hangar.

AUTHORIZED CONTRACT NO. 2006311 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

41. Contract for conveyance of real property to the Bloss Memorial Healthcare District.

AUTHORIZED CONTRACT NO. 2006312 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

42. Contract for conveyance of real property to the Castle Air Museum Foundation.

AUTHORIZED CONTRACT NO. 2006313 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

MENTAL HEALTH

43. Contract with U.S. Dept. of Housing and Urban Development for 2005 Supportive Housing Grant accepting the Grant Award for Project Home Start and approve the necessary budget transfer-58,552. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2006314 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

44. Contract with Central Valley Coalition for Affordable Housing for lease of four apartments located at 108 West 20th Street for Project Home Start.

AUTHORIZED CONTRACT NO. 2006274 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

PLANNING

45. Resolution approving use of California Dept. of Conservation Farmland Conservancy Program Grant Funds for the purchase of Jessie Espinosa, Juan and Rodrigo Espinoza and Espinosa Family Trust Funds, known as APN 041-161-010, 041-161-008 and 041-130-016, agricultural conservation easements in the Livingston area.

ADOPTED RESOLUTION NO. 2006-212 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

46. Approve and authorize the Williamson Act Contracts for 2006 as follows:

REVIEW BOARD ORDER – SEE PAGE 16 AND 17

47. Reconsider and reaffirm the Resolution adopted on October 24, 2006, authorizing the use of California Dept. of Conservation Grant Funds for the purchase of the Okuye 2006 Trust Property, known as APN 143-050-013, 143-050-014, 143-050-015 and 143-050-016, agricultural easements in the Livingston area.

ADOPTED RESOLUTION NO. 2006-213 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

HUMAN RESOURCES

48. Authorize increase of Extra Help Hourly Wages to \$7.50 per hour effective Pay Period 1, 2007 and to \$8.00 per hour effective Pay Period 1, 2008 for all Extra Help Classifications which are salaried below the California minimum wage in compliance with Assembly Bill 1835.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

49. Authorize overhire for Limited Term Appointment for a period of six months, or upon the return of the employee for the following positions: one Legal Process Clerk, position #59, for BU 23400; one Correctional Officer, position #80, for BU 23000 and one Deputy Sheriff-Coroner, position #111 for BU 22100.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

50. Appoint Kent B. Christensen as Merced County Assessor for the unexpired term of David A. Cardella effective December 25, 2006.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

HEALTH

51. Contract with Hammond Family Properties for office space for the First 5 Merced County office.

AUTHORIZED CONTRACT NO. 2006302 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

LIBRARY

52. Authorize issuance of Request for Proposal (RFP) for the procurement of Microfilm/Microfiche Scanner Printers and approve the necessary budget transfer-\$20,000. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

SHERIFF

53. Accept Governor's Office of Emergency Services Law Enforcement and Victim Services Division Grant for California Multi-Jurisdictional Methamphetamine Enforcement Team Grant and authorize Chairman to sign Contract with Governor's Office of Emergency Services; authorize aligned Extra Help Community Service Technician I/II and allocate to BU 22100; approve the necessary budget transfer-\$400,000 and adopt Resolution. (4/5 Vote Required).

ADOPTED RESOLUTION NO. 2006-214 AND CONTRACT NO. 2006260 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

EXECUTIVE OFFICE

54. Authorize issuance of Request for Proposal (RFP) as the first step in providing for Ergonomic Services and Training for FY 2007/08 and beyond.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

55. Approve the Budget Calendar for FY 2007/2008.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

BOARD OF SUPERVISORS

56. Approve the 2007 Board Meeting Calendar.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

57. Accept recommendations from Special Districts and authorize Clerk to complete and sign the Local Agency Biennial Notice for submission to the Political Practices Commission.

REVIEW BOARD ORDER – SEE PAGES 17 AND 18

58. Authorize Special Board Project Funds-District One expenditure in the amount of \$4,875 to D & D Associates for training and consultation services to the Le Grand and Planada Municipal Advisory Councils and approve the necessary budget transfer.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

BOARD APPOINTMENTS

59. Assessment Appeals Board – Appoint Timothy Doss, Appraiser Category, until September 4, 2009.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

60. Commerce, Aviation and Economic Development Revolving Loan Fund Loan Administration Board – Appoint Elaine Post, representing District Five, until December 22, 2007.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

61. McSwain Municipal Advisory Council – Appoint Carol Silva, representing District Three, until July 26, 2007.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

62. Mental Health Advisory Board – Appoint David Baker, representing District Two, until June 30, 2009.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

63. Mental Health Advisory Board – Appoint Norma Blackwood, representing District Five, until June 30, 2009.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

64. Mental Health Advisory Board – Appoint William Adam Cox, representing Member at Large, until June 30, 2009.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

65. Merced County Planning Commission – Reappoint Rudy Buendia, representing District One, until October 1, 2010.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: 1, 2, 3, 5 NOT PRESENT: 4

66. Child Support Services re: Notification of Grant Application submission approved by Board on May 16, 2006 was not funded by Administration for Children and Families.
67. Los Banos Unified School District re: Community Facilities District No. 2, Annexation No. 1 - proposal to levy a special tax on property proposed to be annexed into the boundaries of the County to the School District's Community Facilities District No. 1.
68. Central Valley Regional Water Quality Control Board re: December 7 and December 8, 2006 Meeting Agendas.
69. Business, Transportation and Housing Agency re: Solicitation for Concept Proposals for Partnership Seed Grants.

70. California Regional Water Quality Control Board - Central Valley Region re: Notice of Public Meeting of the Central Valley Salinity Policy Group set for November 30, 2006.

**ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF MITCHELL
"MIKE" ZIADY, OPIE WALLACE AND LILLIAN REIMAN UNTIL DECEMBER 12, 2006 AT 6:00
P.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – DECEMBER 5, 2006

10:00 A.M. SCHEDULED ITEM

2006-12-05 CLOSED SESSION

The Clerk announces the following items are scheduled for Closed Session:

CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATOR: It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator(s) John Fowler, Director-Commerce, Aviation and Economic Development pursuant to Government Code Section 54956.8 as follows: Castle Property

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Government Code Section 54956.9(b): Three Cases

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):

MV Transportation, Inc., v. County of Merced, Merced Superior Court Case Number 148931;

Protect Our Water v. County of Merced, Merced Superior Court Case Number 147518;

County of San Diego v. San Diego NORML et al., San Diego Superior Court Case Number GIC 860665;

Lopez v. County of Merced, United States District Court, Eastern District, Case No. 06-CV-01526-OWW-DLB;

San Joaquin Raptor Rescue Center v. County of Merced, Court of Appeal Case No. 050813

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION: It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Government Code Section 54956(b): One Case

The Board recesses at 8:30 a.m. and reconvenes at 10:00 a.m. with the Chairman advising direction was given to Staff in the matter of Existing Litigation, Case Number 147518, Protect Our Water v. County of Merced.

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

10:00 A.M. SCHEDULED ITEM

2006-12-05 PUBLIC OPPORTUNITY

The following speak in opposition to the Riverside Motorsports Park:

Rob Webster, Diane Sardella, Lisa Kayser-Grant, Colleen Medefind, Larissa Sherman (submits written statement and photo documents), Ken Lange (submits written statement), Dale Hoover, Candice Adam-Medefind, Les Jacobson, Nellie Jacobson, Ron Loewe, Martha Telamontez, Ray Beltize, Fred Sherman (submits written statements), Scott Sherman (submits Resolution from Merced River School District), Mike Bettencourt (submits statement), Glenn Anderson, Stacey Machado, Mabel Sufura, Paul van Warmerdam, Mike Lamanna, John Grant, Mark Osborn, Suzy Hultgren (submits written statement) and Tom Grave.

Grant Wilson speaks regarding Proposition 215 and the marijuana card holder program implementation (submits documents).

Aaron Smith, Safe Access Now, urges the Board to implement the medical marijuana card holder program based on court ruling.

Henry Rodriguez appears requesting donations from Merced County and reviews the proposed Fire program implementation for Chapala Mexico.

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

10:00 A.M. SCHEDULED ITEM
2006-12-05 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a public hearing to consider a Resolution to Adjust Fees concerning the Planning and Community Development Department's Development Review Fee Schedule (Supercedes Resolution No. 2005-156) submitted by Public Works.

Public Works Director Paul Fillebrown reviews the Staff Report.

The Chairman asks if there is anyone present wishing to speak.

Larry Bowers, City of Livingston Surveyor, comments on the proposed fees.

The Chairman closes the public hearing.

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor O'Banion, duly carried, the Board adopts Resolution No. 2006-215.

Ayes: Nelson, Pedrozo, Crookham, O'Banion

Not Present: Kelsey

10:00 A.M. SCHEDULED ITEM
2006-12-05 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a public hearing to consider an Ordinance Adjusting the County Surveyor's "Fee Schedule" to increase fees for processing and examining parcel maps, subdivision maps, and record of survey maps (Amends Section 17.40.020 of the Merced County Code and Ordinance No. 1761) submitted by Public Works.

The Chairman asks if there is anyone present wishing to speak.

Larry Bowers, City of Livingston Surveyor, comments on the proposed fees.

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

Ayes: Nelson, Pedrozo, Crookham, O'Banion

Not Present: Kelsey

The Chairman closes the public hearing.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board adopts Ordinance No. 1793.

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

Not Present: Kelsey

Supervisor Kelsey returns to the Chambers.

10:00 A.M. SCHEDULED ITEM

2006-12-05 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a public hearing to consider an Ordinance to adjust the fees for Improvement Plan Review and Construction Inspection of Subdivision Projects and Miscellaneous Document Review and Processing (Amends Section 16.08.030.D.3 and D.4 of the Merced County Code and Ordinance No. 1760) submitted by Public Works.

The Chairman asks if there is anyone present wishing to speak.

Larry Bowers, City of Livingston Surveyor, comments on the proposed fees.

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

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

The Chairman closes the public hearing.

Upon motion of Supervisor Crookham, seconded by Supervisor Kelsey, duly carried, the Board adopts Ordinance No. 1794.

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

10:00 A.M. SCHEDULED ITEM

2006-12-05 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a public hearing to consider an Ordinance to adjust the fees for Encroachment Permits (Amends Ordinance No. 1698 and Section 13.30.030 of the Merced County Code) submitted by Public Works.

The Chairman asks if there is anyone present wishing to speak.

Larry Bowers, City of Livingston Surveyor, comments on the proposed fees.

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

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

The Chairman closes the public hearing.

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board adopts Ordinance No. 1795.

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

10:00 A.M. SCHEDULED ITEM
2006-12-05 HEALTH – PUBLIC HEARING

The time and date previously set for public hearing to consider an Ordinance amending "Refuse-Definitions and Administration", "Refuse-Disposal" and "Refuse-Collectors", Respectively (Amending Ordinance No. 1589 and 1601 and amends Chapters 9.04, 9.08 and 9.12 of the Merced County Code) submitted by the Health Department.

Director of Public Health John Volanti reviews the staff report stating an infraction will be an added penalty to the violation sections; however, the infraction notice will only be issued after a written notice to correct the violation and no progress was observed in removing the solid waste.

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

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

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

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board adopts Ordinance No. 1796.

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

10:00 A.M. SCHEDULED ITEM
2006-12-05 HEALTH – PUBLIC HEARING

The time and date previously set for a public hearing to consider an Ordinance amending the Health Department Fee Ordinance by adopting or changing fees set for Health Services Performed by the Health Officer of Merced County (Amends Ordinance No. 1762 and Title 9 General Health and Safety, Chapter 9.49) submitted by the Health Department.

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

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

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board adopts Ordinance 1797.

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

10:00 A.M. SCHEDULED ITEM

2006-12-05 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT – PUBLIC HEARING

The time and date previously set for a public hearing to consider an Ordinance to Enforce Cable and Video Customer Service and Protection Standards with Penalties and to Establish a Fee to Support Education and Government Channel Facilities submitted by Commerce, Aviation and Economic Development.

Director of Commerce, Aviation and Economic Development John Fowler reviews the staff report.

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

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

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

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried the Board adopts Ordinance No. 1798.

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

ACTION ITEM NO. 46

2006-12-05 PLANNING

The Clerk announces the Williamson Act Contracts for 2006 submitted by Planning is before the Board for consideration.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Crookham, duly carried, the Board approves and authorizes the Chairman to sign the Williamson Act Contracts with the following property owners:

- WA06001 Joseph A and Laura C Machado, Trustees
- WA06002 Douglas L. Cherry
- WA06003 Brian & Andrea Skonovd
- WA06004 Suzanne Ellen Solvin Dehmel as Trustee of Binary Trust
- WA06005 William L and Kathrine Cunha
- WA06006 Rajinder and Anand S. Takhar
- WA06007 Harcksen Family 2002 Trust
- WA06008 Mumby Farms, Inc. by Stanley Mumby by Carol Mumby
- WA06009 Jerry A. and Teresa M. Furtado
- WA06010 Johnny and Debra Simons
- WA06011 Minh and Nguyen
- WA06012 Christopher and Darla R. Fagundes
- WA06013 Moosekian Bypass Trust, Betty Moosekian
- WA06014 Moosekian Marital Trust, Betty Moosekian (Trustee)
- WA06015 Moosekian Marital Trust, Berj Moosekian, Betty Moosekian and Vahan Moosekian
- WA06016 Berj Moosekian, Dorene D'Adamo Moosekian
- WA06017 Vernon W. and Kathrine L. Eck
- WA06018 Arnold Farms
- WA06019 Harris Ranch LLC c/o Joseph Rubino

WA06020 Craig and Maureen Johnson and LaVerne Johnson, Trustee
Ayes: Nelson, Pedrozo, Crookham, O'Banion
Not Present: Kelsey

ACTION ITEM NO. 57
2006-12-05 BOARD OF SUPERVISORS

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board accepts the recommendations from the following Special Districts and authorizes the Clerk to complete and sign the Local Agency Biennial Notice for submission to the Fair Political Practices Commission:

No Amendments to Biennial Notice

Cemetery Districts

Hilmar, Los Banos, Merquin (Sunnyside) and Winton

Community Service Districts

Le Grand, Planada and Snelling

Drainage District:

Gustine

Irrigation District:

Merced

Resource Conservation District:

East Merced

School Districts:

El Nido, Hilmar, Le Grand Union Elementary, Le Grand Union High, Los Banos Unified, McSwain Union Elementary, Plainsburg Union Elementary, Planada Elementary, Snelling-Merced Falls and Winton

Water Districts:

Ballico-Cortez, Centinella, Country Club, Delhi, Franklin, Hilmar, Laguna, Lansdale and Santa Nella

Miscellaneous:

Bloss Memorial Hospital District

Amendments to Biennial Notice:

School Districts:

Atwater Elementary, Livingston Union, Merced County Office of Education and Merced Union High

Water Districts:

Merquin and Winton Water and Sanitary

Miscellaneous:

City of Merced Public Financing Authority and Merced County Mosquito Abatement District

Ayes: Nelson, Pedrozo, Crookham, O'Banion

Not Present: Kelsey