



# SUMMARY ACTION MINUTES BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, FEBRUARY 13, 2007  
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

CHAIRMAN JOHN PEDROZO.....DISTRICT 1  
KATHLEEN M. CROOKHAM....DISTRICT 2  
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](http://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**

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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

8:30 A. M.

**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) as follows: Two Cases

**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): Two 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 of Section 54956.9(a): Sofranek vs. County of Merced, Superior Court Case No. 148246

**CLOSED SESSION:** It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957:

Public Employee Appointment, Title: Child Support Services Director;  
Public Employee Appointment, Title: County Librarian

**THE BOARD RECESSES AT 8:30 A.M. INTO CLOSED SESSION AND RECONVENES AT 10:00 A.M. WITH SUPERVISOR CROOKHAM NOT PRESENT AND THE CHAIRMAN ADVISES STAFF HAS BEEN GIVEN DIRECTION.**

**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 11**

**PRESENTATIONS**

Recognition of Marge McFadden - Livingston Planning Commission  
Recognition of Black History Month

**REVIEW BOARD ORDER – SEE PAGE 11**

10:00 A. M.

**JOINT MEETING, BOARD OF SUPERVISORS AND WORKFORCE INVESTMENT BOARD - SEE SEPARATE AGENDA**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) **Ag. Commissioner-**\$11,780; **Assessor-**\$68,534; **District Attorney-**\$63,412; **Public Works-**\$485,228 and \$4,100.59 and **Sheriff-**\$4,500

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

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items #1 - 33)

**APPROVED AS RECOMMENDED WITH ITEM #11 BEING VOTED ON SEPARATELY AYES: 1, 3, 4, 5 NOT PRESENT: 2**

**PLANNING - PUBLIC HEARING**

To receive input regarding completion of a Housing Rehabilitation activity located in the communities of Winton, Planada, Celeste, Dos Palos Y, Midway/ South Dos Palos and Merced fringe funded with a California Dept. of Housing and Community Development Block Grant

**REVIEW BOARD ORDER – SEE PAGE 12**

**PLANNING - PUBLIC HEARING - PROPOSED ORDINANCE - FIRST READING - SET SECOND READING FOR FEBRUARY 27, 2007**

To consider Proposed Ordinance Repealing portions of the Zoning Code related to Animal Confinement

**REVIEW BOARD ORDER – SEE PAGE 12**

**REPORTS/BOARD DIRECTION**

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

**LUNCH BREAK**

CONSENT CALENDAR (Items #1 - 33)

**PULLED ITEM NO. 11 FOR SEPARATE VOTE AND APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2**

Public Works

1. Approve and authorize Chairman to sign Amendment to Contract No. 2003019 with Comcast of San Joaquin Inc. for additional five year lease of existing County-owned land in the Santa Nella area for transmission, reception, and related activities of radio communication.
2. Approve and authorize Chairman to sign Amendment to Contract No. 2005131 with Construction Testing and Engineering Inc. for Special Inspection and Material Testing for the New Courts Building in an amount not to exceed \$28,000.
3. Set a public hearing on March 13, 2007, at 10:00 a.m. to consider termination of maintenance of that portion of Chamberlain Road that lies west of Lone Tree Road to its end at the west side of the East side by-pass and adopt Resolution of Intent to terminate

maintenance of a portion of Chamberlain Road approximately 9 miles north of the City of Dos Palos.

**ADOPTED RESOLUTION NO. 2007-16**

4. Adopt Resolutions of Appreciation commending Michael Hogan and Howard Fellows for outstanding service to the County of Merced.

Ag. Commissioner

5. Approve and authorize Chairman to sign Amendment to Contract No. 2004324 with Calif. Dept. of Food and Agriculture for Cotton Plow Down Enforcement Inspections and adopt Resolution.

**ADOPTED RESOLUTION NO. 2007-17**

Human Services Agency

6. Approve and authorize Chairman to sign Amendment to Contract No. 2006110 with Merced Lao Family Community, Inc. for Refugee Employment and Social Services Program.
7. Approve Budget Transfer in the amount of \$9,265 as recommended by Executive Office.

Fire Department

8. Approve and authorize Chairman to sign Renewal Contract No. 2003204 with the California Dept. of Forestry and Fire Protection to allow fire departments of respective agencies to provide reciprocal fire protection services on mutual aid response basis and establish rates for reimbursement.
9. Authorize Merced County Fire Department's participation in the Fire Fighters Burn Institute "Fill the Boot for Burns" fundraiser.

Mental Health

10. Approve and authorize the Chairman to sign Amendment Contract No. 2001183 with Dr. Elmer Ignacio for on-call psychiatric services for the Saturday Meds Clinic.

Planning

11. Approve and authorize Chairman to sign Addendum to Contract No. 2004024 with Resource Design Technology, Inc. to extend the term and approve an increase for annual and special inspections pursuant to State Surface Mining and Reclamation Act.

**REVIEW BOARD ORDER – SEE PAGES 12 AND 13**

Executive Office

12. Approve and authorize Chairman to sign Amendment to Contract No. 2006136 with Bay Area Economics for advisory services for the reuse of Castle and assist with negotiations of a lease development agreement with Federal Merced Associates, LLC.
13. Approve and authorize Chairman to sign Amendment to Contract No. 2004173 with C. Logan McKechnie, Attorney, for Indigent Defense Services.
14. Approve and authorize Chairman to sign Amendment to Contract No. 2004069 with Terry Roberts dba Ashgrove Risk Management Services for Risk Management Services.
15. Approve Travel Request submitted by Executive Office.

Board Recognition

16. Authorize Certificate of Recognition to Gloria Bettencourt for dedicated service as a member of the Merced County Planning Commission.
17. Authorize Certificate of Recognition to Terry Silva for dedicated service to the Merced Union High School District.
18. Authorize Certificates of Recognition to the following individuals selected award winners by the Atwater Chamber of Commerce for the : Austin Hou-Mitchell Senior Elementary Student of the Quarter, Ikneet Kandola-Peggy Heller Elementary Student of the Quarter, Ford-Machado Real Estate Services-Business of the Quarter and Cindy Granado and Cindy Vierra-Volunteers of the Quarter.
19. Authorize Resolution recognizing retirement of Loretta Garcia for dedicated service to the community of Los Banos.
20. Authorize Certificate of Recognition to MLK Committee recognizing the 11th Annual Celebration honoring the memory of Dr. Martin Luther King, Jr.
21. Authorize Certificate of Recognition to G & G Construction for Ribbon Cutting Ceremony.
22. Authorize Certificate of Recognition to Bethany Photography for Ribbon Cutting.
23. Authorize Certificate of Recognition celebrating Merced College and Merced Redevelopment Agency Groundbreaking Ceremony for the new Merced Center.
24. Authorize Certificates of Recognition to the following individuals recognized for dedicated service for the 2006 Year by the Merced County Chamber of Commerce: Jeff Pennington-2005/2006 Past President, The Merced Sun Star-Merced County Business of the Year, Dawn Kinney, TransCounty Title Vice President-Merced County Businesswoman of the Year, Tim Razzari, Razzari Auto Dealership-Merced County Businessman of the Year, Richard Regalo and Yosemite High School Teacher-Merced County Ambassador of Goodwill.
25. Authorize Certificate of Recognition to Travis Credit Union for Grand Opening Ceremony.
26. Authorize Certificate of Recognition to Nathaniel "Nat" Woodhouse for dedicated service to the Merced County Assessment Appeals Board from December 20, 1988 to December 5, 2006.
27. Authorize Certificates of Recognition to Miguel Soto for Ambassador Volunteer of the Quarter and Chris Winek for Volunteer of the Quarter as recognized by the Greater Merced Chamber of Commerce.
28. Authorize Certificate of Recognition to Livingston Methodist Church in honor of 2006 Milestones achieved.
29. Authorize Certificates of Recognition to Debbie Morimoto, Amanda Hartman, Lois Cordova and Ann Andersen upon selection by the Girl Scouts of America as Outstanding Women of Merced County for 2006.
30. Proclaim the week of January 28 through February 3, 2007, as "Catholic Schools Week" in Merced County.
31. Authorize Certificate of Recognition to Dan Cismowski for dedicated service to the County of Merced.

Health

32. Approve Budget Transfer in the amount of \$6,000 as recommended by Executive Office.

Treasury

33. Approve Budget Transfer in the amount of \$2,580 as recommended by Executive Office.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

34. Authorize submission and approval of Grant Application to the California Cultural and Historical Endowment for funds to provide Seismic Safety Upgrades to the Old Merced County Library/High School and adopt Resolution certifying availability of matching funds from the Save The Old Library Committee/Merced County Historical Society and District Two Discretionary Funds.

**ADOPTED RESOLUTION NO. 2007-18 AS RECOMMENDED AYES: 1, 3, 4, 5**  
**NOT PRESENT: 2**

35. Authorize Award and the Public Works Director to sign the Contract with the lowest responsible bidder for the New Court Building Signage, if bid is within overall established budget, and return to the Board with information on action taken and bid results.

**AUTHORIZED CONTRACT NO. 2007027 AS RECOMMENDED AYES: 1, 3, 4, 5**  
**NOT PRESENT: 2**

36. Award Contract to Environmental Remediation Group, Inc. for Environmental Assessment Services for the Underground Fuel Storage Tank at the Los Banos Spring Fairgrounds.

**AUTHORIZED CONTRACT NO. 2007028 AS RECOMMENDED AYES: 1, 3, 4, 5**  
**NOT PRESENT: 2**

37. Adopt Resolution for the Summary Vacation of an Undeveloped 40-foot Avenue east of Arena Way in the Livingston area.

**ADOPTED RESOLUTION NO. 2007-19 AS RECOMMENDED AYES: 1, 3, 4, 5**  
**NOT PRESENT: 2**

38. Adopt Resolution for the Summary Vacation of Undeveloped Right of Way for a portion of El Dorado Street and First Street in the Volta area.

**ADOPTED RESOLUTION NO. 2007-20 AS RECOMMENDED AYES: 1, 3, 4, 5**  
**NOT PRESENT: 2**

39. Accept Final Map for South Parkway Phasing Subdivision located in the Santa Nella SUDP area.

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

FIRE DEPARTMENT

40. Resolution authorizing donation of non-serviceable fire equipment or fire equipment that has no or little salvage value to the Bomberos Program.

**ADOPTED RESOLUTION NO. 2007-21 AS RECOMMENDED AYES: 1, 3, 4, 5**  
**NOT PRESENT: 2**

## CHILD SUPPORT SERVICES

41. Contract with Laboratory Corporation of America (LabCorp) for Genetic Testing for Paternity and approve budget transfer-\$10,000.

**AUTHORIZED CONTRACT NO. 2007029 AS RECOMMENDED AYES: 1, 3, 4, 5**  
**NOT PRESENT: 2**

## HEALTH

42. Approve Child Health and Disability Prevention (CHDP) Program, Health Care Program for Children in Foster Care (HCPCFC) and California Children's Services (CCS) Program, Plan and Budgets for Fiscal Year 2006-07, authorize Chairman to sign necessary documents and approve budget transfer-\$72,068. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2007030 AS RECOMMENDED AYES: 1, 3, 4, 5**  
**NOT PRESENT: 2**

43. Accept \$100,000 Grant from the California Endowment to be used to provide premium support for Merced County Healthy Kids Eligible Children ages 6-18 years old; authorize Contract and approve budget transfer-\$100,000. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2007025 AS RECOMMENDED AYES: 1, 3, 4, 5**  
**NOT PRESENT: 2**

## HUMAN SERVICES AGENCY

44. Contract with Public Works to provide Bus Passes to seniors in connection with the Multipurpose Senior Services Program/Linkages for the term of 7/1/2006 through 6/30/2008 in the total amount of \$12,000.

**AUTHORIZED CONTRACT NO. 2007031 AS RECOMMENDED AYES: 1, 3, 4, 5**  
**NOT PRESENT: 2**

## COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

45. Contract with Fire Department to sublease Building 340 for equipment storage and maintenance facility use at Castle Airport.

**AUTHORIZED CONTRACT NO. 2007032 AS RECOMMENDED AYES: 1, 3, 4, 5**  
**NOT PRESENT: 2**

46. Contract with the Assessor's Office for lease of space in a portion of Building 1230 (approximately 114 square feet) for records storage at Castle Airport.

**AUTHORIZED CONTRACT NO. 2007033 AS RECOMMENDED AYES: 1, 3, 4, 5**  
**NOT PRESENT: 2**

## MENTAL HEALTH

47. Contract with Merced County Community Action Agency for Property Management and Supportive Service Activities related to the implementation of Project Home Start I.

**AUTHORIZED CONTRACT NO. 2007034 AS RECOMMENDED AYES: 1, 3, 4, 5**  
**NOT PRESENT: 2**

## SHERIFF

48. Accept donation from the Soroptimist International of Merced to assist in offsetting the cost of the Alzheimer's Tracking Project and approve budget transfer-\$1,150. (4/5 Vote Required)

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

DEPT. OF WORKFORCE INVESTMENT

49. Accept the resignation of Chris Rosander from the Workforce Investment Board and post the vacancy.

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

50. Accept the resignation of Charles Lambert from the Workforce Investment Board and post the vacancy.

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

51. Accept nomination of Martha Duenas to the Youth Council of the Workforce Investment Board.

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

PLANNING

52. Contract with Black Diamond Aggregates, Inc. for staff services provided by Michael Brandman and Associates for the preparation of an Initial Study/Mitigated Negative Declaration for Conditional Use Permit No. CUP06-004.

**REVIEW BOARD ORDER – SEE PAGE 13**

BOARD OF SUPERVISORS

53. Accept recommendations from the following Special Districts and authorize the Clerk to complete and sign the Amended Local Agency Biennial Notice for submission to the Fair Political Practices Commission: Dos Palos and Plainsburg Cemetery Districts; Charleston Drainage District; Gustine, Merced River and Weaver Union School District and Le Grand-Athlone and Turner Island Water Districts.

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

54. Recognize April 15 - 21, 2007 as Volunteer Week to coincide with National Volunteer Week and endorse "Inspire by Example" theme; set April 17, 2007 as the date for Awarding the Volunteer Recognition and Service Program certificates; direct staff to coordinate the process and set March 15, 2007 as the deadline to receive Applications.

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

HUMAN RESOURCES

55. Human Resources Rules and Regulations - Updates and Modifications, All County Classification Specifications and Operations Directives - adopt the amended Resolution amending the Rules and Regulations for Human Resources; adopt the modified job specifications, title changes, and deletion of outdated job specifications per the Salary Resolution; accept the recommended Operations Directives and adopt the Salary Resolution.

**REVIEW BOARD ORDER – SEE PAGES 13 AND 14**

EXECUTIVE OFFICE

56. Confirm the appointment of the Director of Child Support Services Designee of Rhonda Walton and approve "A" Level Benefits effective February 13, 2007 and confirm the appointment of the County Librarian Designee of Jacque Meriam and approve "A" Level benefits.

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



## APPOINTMENTS

57. Ballico Recreation Committee – Appointed Doug Harksen to serve as a member until November 11, 2007.

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

58. Housing Authority of the County of Merced - Reappointment.

**PULLED FROM THE AGENDA – NO ACTION TAKEN**

59. Los Banos Area Recreation Commission – Reappointed Michael Neu to serve as a member until January 1, 2011.

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

60. Mental Health Advisory Board – Appointed Maureen Freitas, Representing District One, to serve as a member until June 30, 2009.

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

## BOARD INFORMATION & POSSIBLE ACTION

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

61. California Chamber of Commerce re: 2007 Business Issues and Legislative Guide - Keeping California Competitive in a Global Economy. (On file with Clerk)

62. Childrennow.org re: 2006-07 California Report Card: The State of the State's Children. (On file with Clerk)

63. State Board of Equalization re: Taxpayers' Bill of Rights Hearings set for February 27, 2007 and March 20, 2007.

64. City of Merced re: Request for Notice of Action re: Castle Airport (MER).

65. State Water Resources Control Board re: Board Meeting and Workshop Notice set for February 20, 2007.

66. California Dept. of Corrections and Rehabilitation re: Change in policy regarding mental health services for parolees.

67. Governor's Office of Emergency Services re: U.S. Small Business Administration has declared the primary counties of Alameda, Fresno, Glenn, Imperial, Kern, Kings, Lake, Los Angeles, Madera, Mendocino, Merced, Monterey, Riverside, San Benito, San Mateo, San Luis Obispo, Santa Barbara, Tulare, Venture and contiguous Counties of Butte, Colusa, Contra Costa, Humboldt, Inyo, Mariposa, Mono, Napa, Orange, San Diego, San Francisco, San Joaquin, Santa Clara, Sonoma, Stanislaus, Tehama, Trinity, Tuolumne, and Yolo a disaster area caused by freezing conditions that occurred on January 11, 2007 and continuing.

68. Mariposa County Board of Supervisors re: Notice that Supervisor Janet Bibby was selected to continue to serve as a representative to the Foreign Trade Zone Advisory Board.

69. State Water Resources Control Board re: Clarification for Notice of Public Solicitation of Water Quality Data and Information for 2008 Integrated Report - List of Impaired Waters and Surface Water Quality Assessments (303(d)/305(b)).

70. State Water Resources Control Board re: Revised - Change of Meeting date and Comment Period Deadline - Notice of Two Public California Environmental Quality Act Scoping Meetings.

71. Governor Arnold Schwarzenegger re: Letter to U.S. Dept. of Agriculture for designation of Merced County as a disaster area due to extreme low temperatures and freezing conditions that began January 12, 2007.
72. San Joaquin Valley Air Pollution Control District re: Notice of Public Workshop on the Draft 2007 Ozone Plan set for February 8, 2007 at 9:00 a.m.

**ADOPTED RESOLUTIONS IN MEMORY OF MELECITA (MILLIE) BOUKNIGHT AND  
KIARA BROUSSARD AND ADJOURNED THE MEETING UNTIL TUESDAY, FEBRUARY 27,  
2007 AT 6:00 P.M.**

**BOARD ORDERS – SUMMARY ACTION MINUTES – FEBRUARY 13, 2007**

**10:00 A.M. SCHEDULED ITEM**  
**2007-02-13 PUBLIC OPPORTUNITY**

Merced County League of Women Voters President Nicola Adams and Vice President Susan Walsh read and submit a letter from the League objecting to the possible relocation of the District Attorney Offices to the Merced County Library and reads a letter from Merced Mayor Ellie Wooten.

Lorraine Nelson (Merced County) refers to a letter the District Attorney sent to Friends of the Library regarding the District Attorney's proposal to move his offices into the Merced County Library and on behalf of the Friends of the Library states objection to the proposal.

Ace Bowman (Merced) submits and reads a portion of a Letter to the Editor published in the February 10<sup>th</sup> Merced Sun Star.

County Executive Officer Dee Tatum states the Facility Committee has begun discussions on long-range plans for new facilities and there has been discussion on consideration of another government center and of the idea of the District Attorney moving into the existing Administration Building.

Public Works Director Paul Fillebrown advises responses have been received to the RFP for a needs assessment regarding new County functions and determining space needs and locations and how that might work with the current Administration Building. The RFP included development of costs and a conceptual plan for the possible design of a new building. Staff will conduct interviews to determine which firm to recommend to the Board.

Board members comment stating there will be an opportunity for public input before the Board takes action.

Present: Pedrozo, Nelson, Kelsey, O'Banion

Not Present: Crookham

**10:00 A. M. SCHEDULED ITEM**  
**2007-02-13 PRESENTATIONS**

The Board presents a Plaque to Marge McFadden in recognition of her dedicated service as a member for 18 years to the Livingston City Planning Commission.

The Board presents a Proclamation to Michelle Allison in recognition of February, 2007 as Black History Month in the County of Merced.

Present: Pedrozo, Nelson, Kelsey, O'Banion

Not Present: Crookham

**10:00 A.M. SCHEDULED ITEM**  
**2007-02-13 PLANNING - PUBLIC HEARING**

The time and date previously set for a public hearing to provide information on the accomplishments funded by the Grant and to receive input regarding completion of a Community Development Block Grant (CDBG) Housing Rehabilitation activity located in the communities of Winton, Planada, Celeste, Dos Palos Y, Midway/South Dos Palos and Merced fringe funded with a California Department of Housing and Community Development Block Grant.

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

The Chairman closes the public hearing.

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board accepts the information on the Community Development Block Grant in accordance with HCD compliance requirements.

Ayes: Pedrozo, Nelson, Kelsey, O'Banion

Not Present: Crookham

**10:00 A.M. SCHEDULED ITEM**  
**2007-02-13 PLANNING - PUBLIC HEARING**

The time and date previously set for a public hearing and First Reading to consider the Proposed Ordinance, An Ordinance Amending the Merced County Code to modify Chapter 18.48.040 entitled "Animal Confinement Facilities" submitted by the Planning and Community Development Department.

Assistant Planning Director Bill Nicholson states the modification to the Animal Confinement portion of the Zoning Code is before the Board in compliance with a Court Order to remove two provisions within that portion of the Ordinance.

The Clerk reads the Proposed Ordinance by title only: An Ordinance Amending the Merced County Code to Modify Chapter 18.48.040 entitled "Animal Confinement Facilities".

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board waives further reading of the Proposed Ordinance and sets second reading and possible adoption for February 27, 2007, at 6:00 p.m.

Ayes: Pedrozo, Nelson, Kelsey, O'Banion

Not Present: Crookham

**CONSENT ITEM NO. 11**  
**2007-02-13 PLANNING**

The Clerk announces the Contract with Resource Design Technology, Inc. is before the Board for consideration.

Supervisor Kelsey leaves the Chambers at 10:48 a.m.

County Counsel James Fincher advises Supervisor Kelsey left the chambers due to a possible conflict of interest in this matter.

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board approves and authorizes the Chairman to sign Addendum to Contract No. 2004024 with Resource Design Technology, Inc. to extend the term and approve an increase for annual and special inspections pursuant to State Surface Mining and Reclamation Act.

Ayes: Pedrozo, Nelson, O'Banion

Not Present: Crookham, Kelsey

Supervisor Kelsey returns to the Chambers at 10:53 a.m.

**ACTION ITEM NO. 52**

**2007-02-13 PLANNING**

The Clerk announces the Contract with Black Diamond Aggregates, Inc. is before the Board for consideration.

Supervisor Kelsey leaves the Chambers at 10:57 a.m.

County Counsel James Fincher advises Supervisor Kelsey left the chambers due to a possible conflict of interest in this matter.

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2007026 with Black Diamond Aggregates, Inc. for staff services provided by Michael Brandman and Associates for the preparation of an Initial Study/Mitigated Negative Declaration for Conditional Use Permit No. CUP 06-004.

Ayes: Pedrozo, Nelson, O'Banion

Not Present: Crookham, Kelsey

Supervisor Kelsey returns to the Chambers at 11:00 a.m.

**ACTION ITEM NO. 55**

**2007-02-13 HUMAN RESOURCES**

The Clerk announces modifications to Merced County Human Resources Rules and Regulations, Classification Specifications and Operations Directives are before the Board for consideration.

Human Resources Director Robert Morris advises all the updated documents have been reviewed with the bargaining units.

AFSCME Local 2703 Representative Kristy Waskiewicz appears and states concern with the Information Technology Operations Directive and requests no action be taken on this directive to allow discussion between AFSCME and Human Resources staff or that the Board's approval be provisional.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board approves the amended Merced County Human Resources Rules and Regulations, approves and adopts the modified job specifications, title changes, and deletion of outdated job specifications, accepts the revised Operations Directives as submitted for Board Records and adopts Resolution No. 2007-22, Merced County Human Resources Rules and Regulations (Amending Resolution No. 92-01) and Resolution No. 2007-23 (Salary Resolution).

Ayes: Pedrozo, Nelson, Kelsey, O'Banion

Not Present: Crookham