



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, MARCH 13, 2007
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

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

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 PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA

The Agenda is divided into three sections:

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

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

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

SCHEDULED ITEMS

9:00 A. M.

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 54956.9(b): One Case

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL: It is the intention of the Board to meet in Closed Session concerning Determination to Initiate Litigation pursuant to Government Code Section 54956.9(c): Eminent Domain – Klik-o-vits

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957.6 concerning a Conference with County of Merced Staff Negotiators concerning negotiations with American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; Independent Employees of Merced County (IEMC), Unit 3; Merced County Lawyers Association, Unit 7; Merced County Sheriff Employee Association (MCSEA), Unit 2; Merced County Law Enforcement Sergeants, Unit P; Deputy Sheriff Association, Unit 10 and Non-Safety Corrections, Unit 12

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

THE BOARD RECESSED AT 9:00 A.M. WITH SUPERVISORS KELSEY AND O'BANION NOT PRESENT AND RECONVENED AT 10:00 A.M. WITH SUPERVISOR O'BANION NOT PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS PROVIDED TO STAFF

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:00 A. M.

PLEDGE OF ALLEGIANCE

10:00 A. M.

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 10

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Dept. of Admin. Services-\$3,200; District Attorney-\$146,803; Health-\$200,000; Auditor-\$2,937; Counsel-\$100,000; Board of Supervisors-\$19,000 and Capital Improvements-\$30,000

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

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 24)

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

PUBLIC WORKS - PUBLIC HEARING

To consider Resolution Terminating Maintenance of this portion of Chamberlain Road that lies west of Lone Tree Road to its end at the west side of the East Side By-Pass, approximately 9 miles north of the City of Dos Palos and determine findings necessary that said road segments are no longer maintained by Merced County

REVIEW BOARD ORDER – SEE PAGE 10

PUBLIC WORKS - PUBLIC HEARING

To consider Resolution of Necessity for authorization to institute Eminent Domain proceedings to acquire interests in Real Property for the Santa Fe Drive at California Street Intersection Improvements Project in the Winton area

REVIEW BOARD ORDER – SEE PAGE 11

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items #1 - 24)

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

Public Works

1. Approve and authorize the Chairman to sign Renewal Contract with CalTrans for Transportation Facility Projects and authorize Public Works Director to sign future Supplemental, Fund Exchange and/or Fund Transfer Agreements (10-5939R) as long as within the required budget.

ADOPTED RESOLUTION NO. 2007-27

Human Services Agency

2. Approve and authorize Chairman to sign Amendment to Contract No. 2006308 with the Merced County Office of Education for Outcomes Improvement Project Services.

Mental Health

3. Approve and authorize Chairman to sign Amendment to Contract No. 2005232 with California Psychiatric Transitions for Mental Health Rehabilitation Center services.
4. Approve and authorize Chairman to sign Amendment to Contract No. 2006098 with Crisis Support Services of Alameda County for After Hours Crisis Screening Services.
5. Approve and authorize Chairman to sign Amendment to Contract No. 2004025 with Crestwood Behavioral Health, Inc. for Institute of Mental Disease for mental health consumers.
6. Approve and authorize Chairman to sign Amendment to Contract No. 2004172 with Mission Linen Supply for Laundry Services.
7. Approve and authorize Chairman to sign Amendment to Contract No. 200240 with Sylmar Health and Rehabilitation Center for State Licensed Mental Health Rehabilitation Center.
8. Approve and authorize Chairman to sign Amendment to Contract No. 2000206 with 7th Avenue Center for Institute for Mental Health Disease (IMD).

Health

9. Set public hearing on March 27, 2007, at 10:00 a.m. to consider adding fees for the Medical Marijuana Identification Card Program to the Health Department Fee Ordinance.

Fire

10. Approve Budget Transfer in the amount of \$325,000 as recommended by Executive Office.

Sheriff

11. Approve Budget Transfer in the amount of \$13,000 as recommended by Executive Office.

Child Support Services

12. Approve Budget Transfer in the amount of \$15,000 as recommended by Executive Office.

Executive Office

13. Approve Travel Requests for the Sheriff's Department as recommended by Executive Office.

Board of Supervisors

14. Approve Board Meeting Minutes of January 9, 23 and 30, 2007 as submitted.

Board Recognition

15. Proclaim March 2, 2007, at "Arbor Day" in Merced County.

16. Authorize Certificates of Recognition to the following for service to the Filipino-American Association of Merced County: Maria Lourdes Rios-President; Alfonso Garcia-Vice President; Elena Rios-Secretary; Evangeline Junsay-Treasurer; Remedios Hilliard, Aurora Coral Walls and Ron Rones-Public Relations Officers; Bob Hilliard and Rick Burns-Sgt. At Arms and Ed Fallago, Ruben Junsay and Milecita Bouknight-Board of Trustees
17. Authorize Certificates of Recognition to the following for service to the Building Industry Association of Central California: Centex Homes-2006 Builder of the Year Habitat for Humanity Home Blitz in May 2006; Pam Franco of California Heirlooms-2006 President's Choice Award; Sheri Jones of the Modesto Bee-2006 Donna Thayer Award; Guy Maxwell-2004-2006 Outgoing President Merced Board; John Anderson of JB Anderson Planning and Land Use-2006 Associate of the Year.
18. Authorize Certificate of Recognition to Commander Terry Bohlke for 23 years of dedicated service as a Reservist with the United States Navy.
19. Authorize Certificates of Recognition to Fluetsch and Busby Insurance Inc. as 2007 Small Business of the Year, Via Adventures Inc. as 2007 Midsize Business of the Year, and Costco Wholesale #142 as 2007 Large Business of the Year as selected by the City of Merced.
20. Authorize Certificate of Recognition to Dewey Todd for dedicated service to the Dos Palos Cemetery District.
21. Authorize Certificate of Recognition to Mary Souza in honor of dedicated service to the Snelling Municipal Advisory Council.
22. Authorize Plaque to Louis Zanini for the Lowell N. Peters Award and Certificates of Recognition to John and Cecilia Pires - Agriculturalist of the Year and Joe H. Freitas -Citizen of the Year Award as selected by the Gustine Chamber of Commerce.
23. Authorize Plaque to the City of Atwater Fire Station No. 22 and Police Detective Substation located at 2006 Avenue Two in Atwater for Opening Ceremony.
24. Proclaim the week of March 11 - 17, 2007, as "Portuguese Immigrant Week" in Merced County.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

25. Contract with Teresa A. Pimentel for Grant Deed and Right-of-Way for acquisition of APN 008-120-024 necessary for construction of the Campus Parkway Project east of the City of Merced, adopt Resolution and approve the necessary budget transfer-\$250,000.
ADOPTED RESOLUTION NO. 2007-28 AND CONTRACT NO. 2007049 AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5
26. Contract with Teresa A. Pimentel for Grant Deed and Right-of-Way for acquisition of APN 008-120-026 necessary for construction of the Campus Parkway Project east of the City of Merced, adopt Resolution and approve the necessary budget transfer-\$480,000.
ADOPTED RESOLUTION NO. 2007-29 AND CONTRACT NO. 2007050 AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

27. Authorize circulation of a Request for Proposal for a civil engineering firm to provide design services for a new vehicle weighing and processing facility (scalehouse) serving the Merced County Highway 59 Landfill; authorize Public Works to review and rank proposals as well as negotiate a preliminary contract and return to the Board with recommendation and approve the necessary budget transfer-\$20,000 (#032).

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

HEALTH

28. Authorize implementation of SB 1773 to impose two additional dollars (\$2) for every ten dollars (10) or fraction thereof, on every fine, penalty, or forfeiture imposed and collected by the Courts for various criminal, vehicle code and alcohol and beverage control violations to improve pediatric trauma and emergency services to offset uncompensated emergency medical services and approve the Indigent Health Care Programs Policies to affect changes needed to implement SB 1773.

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

29. Authorize Memorandum of Understanding with California Emergency Medical Services (EMS) Authority for the provision of personal protective equipment and the associated expectations.

AUTHORIZED CONTRACT NO. 2007051 AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

FIRE

30. Accept Buffer Zone Protection Program Grant (FY 2006, Grant No. 2006-BZ-T6-0045) from the Governor's Office of Homeland Security for the Merced Operational Area in the amount of \$359,100.

AUTHORIZED CONTRACT NO. 2007102 AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

TREASURER

31. Accept Quarterly Investment Report for period ending December 31, 2006 pursuant to Government Code Section 43646.

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

MENTAL HEALTH

32. Amendment to Contract with Community Social Model Advocates, Inc. for Offender Treatment Program Services and establish the Offender Treatment Program Bed Day Rate.

AUTHORIZED CONTRACT NO. 2005149 AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

33. Contract with Trilogy Integrated Resources, LLC for Network of Care Website for mental health community.

AUTHORIZED CONTRACT NO. 2007052 AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

DEPT. OF AMINISTRATIVE SERVICES

34. Authorize initiation of procurement process for professional and web-page design architecture and the selection of most responsive provider and negotiate a contract to be returned to the Board for approval upon review of Counsel.

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

DEPT. OF WORKFORCE INVESTMENT

35. Accept resignation of Sharon Cresswell from Workforce Investment Board and authorize posting of vacancy.

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

36. Appoint John M. Stewart, Labor Sector Representative, to serve as a member of the Workforce Investment Board until June 30, 2010.

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

37. Appoint Darren Hughes, Labor Sector Representative, to serve as a member of the Workforce Investment Board until June 30, 2008.

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

38. Contract with Merced County Office of Education, Regional Occupation Program for Workforce Investment Act services for up to 30 youth, including youth with disabilities and approve the necessary budget transfer-\$55,000.

AUTHORIZED CONTRACT NO. 2007053 AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

HUMAN RESOURCES

39. Contract with Manpower for Employment Services and approve the necessary budget transfer-\$22,069.

AUTHORIZED CONTRACT NO. 2007054 AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

40. Authorize purchase of key lock equipment from Trak Engineering for a Fuel Management System at Castle and approve the necessary budget transfer.

NO ACTION TAKEN – PULLED FROM THE AGENDA

BOARD OF SUPERVISORS

41. Authorize Special Board Project Funds-District One expenditure in the amount of \$2,500 to be forwarded to American Legion, Post 660 to enhance the appearance of the Le Grand American Legion Hall and approve the budget transfer.

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

42. Authorize Special Board Project Funds-District One expenditure in the amount of \$2,500 to be forwarded to El Nido Elementary School in support of student incentive programs and approve the budget transfer.

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

43. Authorize Special Board Project Funds-District Four expenditures in the total amount of \$19,600 as follows: \$2,000 to Merced County Sheriff Explorer Post 322 to support activities in Winton/Delhi; \$1,500 to Winton Recreation to assist with youth baseball/softball program; \$8,000 to Merced County Food Bank to purchase food; \$8,100 to Merced Rescue Mission to support mobile feeding efforts in District Four and approve the budget transfer.

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

HUMAN SERVICES AGENCY

44. Authorize preparation and solicitation of Request for Proposal to perform Domestic Violence Services with selection of most responsive vendor to be negotiated and return to the Board

for final approval.

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

45. Contract Amendment with Far West Business Systems to dismantle, move and reassemble two mediastations extending the term until March 31, 2007.

AUTHORIZED CONTRACT NO. 2007012 AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

BOARD APPOINTMENTS

46. First 5 Merced County – Reappointed Dorlie Goodger to serve as a member representing District Five until March 23, 2010.

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

47. First 5 Merced County – Reappointed Eva Delong to serve as a member representing District Four until March 23, 2009.

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

48. Merced Cemetery District – Appointed Lois Jimenez to serve as a member until July 1, 2010.

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

49. Emergency Medical Care Committee – Appointed Dr. Alan Rutledge to serve as a member representing District One until June 30, 2011.

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

50. East Merced Resource Conservation District – Reappointed Robert Bliss and Glenn Anderson to serve as members of the East Merced Resource Conservation District until January 28, 2011.

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

51. Housing Authority of the County of Merced – Appointed Joe Ramirez to serve as a member until February 18, 2011.

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

52. Board, Committees and Commissions - Vacant Listing for March, 2007.

BOARD INFORMATION & POSSIBLE ACTION

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

53. Public Works re: Notice of Contract Award to Shasta Construction for the Almond Avenue Bridge over the Livingston Canal Project.

AUTHORIZED CONTRACT NO. 2007055

54. Fire re: Merced County Fire Department Accomplishments Report for Year 2006.

55. State Dept. of Corrections and Rehabilitation re: Notice of Public Hearings to consider Proposed Amendment to Title 15, Minimum Standards for Local Detention Facilities and Minimum Standards for Local Juvenile Facilities, California Code of Regulations, Relative to the Care of Pregnant Inmates and the Use of Restraints on Pregnant Inmates.

56. State Fish and Game Commission re: Notice of Proposed Regulatory Action Relative to Title 14, California Code of Regulations, Relating to the Establishment of the Automated License Data System.

57. U.S. Dept. of Interior re: Update on Tuolumne River Plan Public Workshop and Badger Pass Update.
58. State Water Board re: Board Meeting and Workshop on March 20, 2007 at 10:00 a.m.
59. State Water Resources Control Board re: Notice of Public Hearings and Pre-Hearing Conferences on Water Right Applications and Wastewater Change Petition and Notice of Petition for change in place of use, purpose of use, and discharge amount of treated wastewater. (On file with Clerk)
60. State Fish and Game Commission re: Notice of Proposed Regulatory Action, Title 14, California Code Regulations, relating to mammal hunting-method of take regulations. (On file with Clerk)
61. State Water Resources Control Board re: Notice for Public Comment on Amendment to the Water Quality Control Plan for the Santa Ana Regional (Basin Plan) to establish a nutrient total maximum daily load (TMDL) for Dry Hydrological conditions for Big Bear Lake.
62. Governor's Office of Emergency Services re: Notice of Declarations for: 2007 Winter Freeze and economic injury declaration, SBA #10793 and Agricultural Disaster and economic injury declaration, SBA #10807.
63. Sheriff re: Notice of Rural and Small County Award of \$500,000 in accordance with Government Code Section 30070; funding has been deposited into the Sheriff Trust.

**ADOPTED RESOLUTIONS IN MEMORY OF MARK WILLIAMS AND RICHARD MYERS
AND ADJOURNED MEETING UNTIL TUESDAY, MARCH 20, 2007 AT 10:00 A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – MARCH 13, 2007

10:00 A.M. SCHEDULED ITEM
2007-03-13 PUBLIC OPPORTUNITY

Merced County League of Women Voters President Nicola Adams submits and reads a statement advising the League will continue to maintain the long standing positions on public library services and will begin a new public library study.

Public Works Director Paul Fillebrown provides an overview of the Merced County's advanced planning for facilities.

Grant Wilson (Merced) states concern with Proposition 215 not being implemented timely. He states his medical marijuana card will expire and requests a letter so he can take to another County that has implemented the program so that he will be protected.

Present: Pedrozo, Crookham, Nelson, Kelsey

Not Present: O'Banion

10:00 A.M. SCHEDULED ITEM
2007-03-13 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a public hearing to consider a Resolution Terminating Maintenance of this portion of Chamberlain Road that lies west of Lone Tree Road to its end at the west side of the East Side By-Pass, approximately 9 miles north of the City of Dos Palos and determine Findings necessary that said road segments are no longer maintained by Merced County.

Public Works Director Paul Fillebrown reviews the Staff Report.

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

The following speak in favor of closing the Road:

Dr. Howard Larsen (Merced) representing Castle Duck Club, Richard Albers representing the U. S. Fish and Wildlife Service, and John Woodruff representing Wolfsen Land and Cattle Company.

The Chairman closes the public hearing and the Board agrees to hold the matter over until a full Board is present.

The Board continues the public hearing to March 20, 2007, at 10:00 a.m.

Present: Pedrozo, Crookham, Nelson, Kelsey

Not Present: O'Banion

10:00 A.M. SCHEDULED ITEM

2007-03-13 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a public hearing to consider a Resolution of Necessity for authorization to institute Eminent Domain proceedings to acquire interests in Real Property for the Santa Fe Drive at California Street Intersection Improvements Project in the Winton area.

County Counsel James Fincher states the item is pulled from the agenda as an unnecessary matter because an agreement was reached with the property owner and the property will be purchased at a mutually agreeable price.

Present: Pedrozo, Crookham, Nelson, Kelsey

Not Present: O'Banion