



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, MARCH 20, 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](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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INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE

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**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 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): One Case

**THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH SUPERVISORS CROOKHAM AND O'BANION NOT PRESENT WITH THE CHAIRMAN ADVISING THERE IS NO REPORT**

**GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)**

**REVIEW BOARD ORDER – SEE PAGE 8**

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 8**

**SERVICE PIN PRESENTATIONS**

SHERIFF - Lydia Darling and Mark Pazin, 25 Years

**A RECEPTION WILL BE HELD IN ROOM 310 IN HONOR OF AWARDS**

**PRESENTATIONS:**

East Merced Resource Conservation District –Report

**REVIEW BOARD ORDER – SEE PAGE 9**

Technology Committee – Report

**REVIEW BOARD ORDER – SEE PAGE 9**

Streams Group – Report

**NO REPORT**

10:00 A. M.

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) Health-\$160,000 and \$207,454  
**CONTINUED TO MARCH 27, 2007**

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items #1 - 20)  
**APPROVED AS RECOMMENDED AYES: 1, 3, 4 NOT PRESENT: 2, 5**

**PLANNING - PUBLIC HEARING**

To consider the Negative Declaration for the minor boundary change between the Counties of Merced and Fresno located within the City of Dos Palos and into Merced County's jurisdiction, with the boundary generally following Merrill Avenue on the South and Custer Avenue on the east within Sections 12, 13, 14, 22, 23 and 24 of Township 11 South, Range 12 East MDB&M with no change in existing land use proposed nor any development project

**REVIEW BOARD ORDER – SEE PAGE 9**

**PUBLIC WORKS - CONTINUED 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**

**REPORTS/BOARD DIRECTION**

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

CONSENT CALENDAR (Items #1 - 20)

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

Public Works

1. Adopt Resolution accepting Easement Deed from Kenneth McPherson for public road and public utility purposes in connection with Property Line Adjustment No. 06015 and McPherson Major Subdivision No. 03001 in Le Grand.  
**ADOPTED RESOLUTION NO. 2007-31**
2. Approve Budget Transfers in the amount of \$8,000 and \$9,000 as recommended by Executive Office.

Mental Health

3. Approve and authorize Chairman to sign Renewal Contract No. 2004051 with Auditor-Controller for Courier Services.
4. Approve and authorize Chairman to sign Renewal Contract No. 2004103 with Human Services Agency for transport of incoming and outgoing interdepartmental mail.
5. Approve and authorize Chairman to sign Renewal Contract No. 2004134 with Merle V. Charles, LPT and MAOM for Patients Rights Advocate Services.

**THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA**

### Human Services Agency

6. Approve and authorize Chairman to sign Amendment to Contract No. 2004117 with Mental Health for Mental Health Services.

### Planning

7. Approve and authorize Chairman to sign Addendum to Contract No. 2004032 with RRM Design Group for Hilmar Community Plan Update.

### Spring Fair

8. Approve and authorize Chairman to sign Renewal Contract No. 2007056 with Dutch Holland Racing Promotions for Destruction Derby event at the Spring Fair.
9. Approve and authorize Chairman to sign Renewal Contract No. 2007057 with Merced County Livestock Association for Junior Livestock Association event at the Spring Fair.
10. Approve and authorize Chairman to sign Renewal Contracts with John Shipman Motor Sports for Truck and Tractor Pulls (No. 2007059) and Monster Truck Show (No. 2007058) events at the Spring Fair.

### Board Recognition

11. Authorize Certificate of Recognition to Merco Credit Union for selection by the City of Merced for contributions to the Community.
12. Authorize Certificate of Recognition to Infusion Center/Wound Healing & Hyperbaric Medicine Center Ribbon Cutting Ceremony for the New Press-mate Prodigy II.
13. Authorize Certificate of Recognition to Evans Private Security for Ribbon Cutting.
14. Authorize Certificate of Recognition to Italian Catholic Federation in recognition of their 75th Anniversary Celebration.
15. Authorize Certificates of Recognition to Mary Ellen Chavez, Francisca Briones, Theresa Tapetillo, Martha Sylvia Nateras, and Mayra Vega-Ramirez for selection by the Merced County Hispanic Chamber of Commerce for "Latinas Making a Difference".
16. Authorize Certificates of Recognition to Tad Kurosaki for over 50 years of service with the Livingston Farmers Association and to Livingston Farmers Association celebrating their 50th Annual Banquet.
17. Proclaim the week of April 22 through 28, 2007, as "Week of the Young Child" in Merced County.
18. Proclaim the week of March 11 through 17, 2007, as "Girl Scout Week" in Merced County.
19. Authorize Resolutions of Commendation for Mike McAdam and Roger Pruitt for service to the City of Los Banos.

### Executive Office

20. Approve Travel Requests submitted by Sheriff-Coroner as recommended by Executive Office.

REGULAR CALENDAR

BOARD ACTION

COUNSEL

21. Contract with McCormick Barstow LLP for professional legal services in litigation matters regarding Fox Hills Development Project.

**AUTHORIZED CONTRACT NO. 2007060 AS RECOMMENDED AYES: 1, 3, 4  
NOT PRESENT: 2, 5**

22. Contract with Abbott & Kinderman, LLP for professional legal services in litigation matters regarding Riverside Motorsports Park project.

**AUTHORIZED CONTRACT NO. 2007061 AS RECOMMENDED AYES: 1, 3, 4  
NOT PRESENT: 2, 5**

23. Approve the Atwater Redevelopment Agency request for subordination of payments for Project Area tax allocation refunding bonds, 1998A Bonds and 1998B Bonds and authorize the Chairman to sign an Acknowledgement and submit to the Agency.

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

HEALTH

24. Contract Amendment with Calif. Dept. of Health Services for AIDS Program Master Agreement increasing the amount from \$100,508 to \$157,073 and approve the necessary budget transfer. (4/5 Vote Required)

**CONTINUED TO MARCH 27, 2007**

25. Resolution authorizing submission of Solid Waste Local Enforcement Agency Grant Application for FY 2007-2008, and authorize Chairman to sign necessary documents accepting the funds and implementing the approved project and authorize Environmental Health Director to sign all payment requests.

**ADOPTED RESOLUTION NO. 2007-32 AND CONTRACT NO. 2007062 AS  
RECOMMENDED AYES: 1, 3, 4 NOT PRESENT: 2, 5**

PLANNING

26. Contract with Hilmar County Water District to initiate and complete water supply assessment and approve the necessary budget transfer.

**CONTINUED TO MARCH 27, 2007**

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

27. Authorize submission and Chairman to sign Application to the Employment Training Panel for funding a Two-Year Small Business Training Program.

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

28. Resolution declaring ten acres of land within the Castle Airport Aviation and Development Center Redevelopment Project Area as surplus and convey the property by grant deed to the Merced County Redevelopment Agency for the purpose of sale to Big Creek Timber-Atwater, LLC, a subsidiary of Big Creek Lumber, Inc.

**CONTINUED TO MARCH 27, 2007**

PROBATION

29. Contract with Behavioral Interventions to provide Juvenile and Adult Electronic Monitoring Programs.

**AUTHORIZED CONTRACT NO. 2007063 AS RECOMMENDED AYES: 1, 3, 4  
NOT PRESENT: 2, 5**

**HUMAN SERVICES AGENCY**

30. Authorize cancellation of Request for Proposal (RFP) for a Transitional Housing Program for Youths (THP Plus) and authorize permission to negotiate a Contract with a qualified vendor to come back to the Board for approval.

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

31. Authorize submission and Director of Human Services Agency to sign Application to National Responsible Fatherhood Capacity-Building Initiative to provide funding to support activities that address responsible fatherhood understanding the Contract will be returned to the Board for final approval.

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

**DEPT. OF ADMINISTRATIVE SERVICES**

32. Authorize internet public auction of items declared as Surplus Property identified as Exhibit A and authorize its disposal per contract with Public Surplus, LLC.

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

**EXECUTIVE OFFICE**

33. Approve General Membership Contribution of \$23,466 for FY 2007/08 MCAG Work Program and One Voice Membership of \$39,460.

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

**BOARD OF SUPERVISORS**

34. Authorize Special Board Project Funds-District Two in the amount of \$5,000 to be forwarded to the Merced County Arts Council to promote use of the Arts Center and approve the necessary budget transfer-\$5,000.

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

**BOARD APPOINTMENTS**

35. Dos Palos Cemetery District – Reappointed Tony Bertao and Gil Arena until February 4, 2010 and reappoint Alfred Gamboni until February 4, 2009.

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

36. Los Banos Cemetery District – Reappointed Fritz Adelaide Bettencourt and Toni Russell until June 7, 2009.

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

37. Plainsburg Cemetery District – Reappointed Joan Dickinson, Warren Brown and Gail Wills until July 20, 2010 and James Tesone until July 20, 2009.

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

38. Area Agency on Aging Advisory Council – Reappointed Ida Olson representing District Five until December 31, 2010.

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

39. First 5 Merced County – Appointed Patrick Bowman representing District One until March 23, 2009.

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

BOARD INFORMATION & POSSIBLE ACTION

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

40. California Gas Gathering, Inc. re: Bond pursuant to Franchise Ordinance No. 1650 (a franchise to install, operate and maintain a gas pipeline within county road right of ways.
41. Madera County Board of Supervisors re: Letter of Support for SB 114-Florez and Hollingsworth, Disaster Relief.
42. State Water Resources Control Board re: Notice for Public comment on An Amendment to the Water Quality Control Plan for the San Francisco Bay Region to Establish Mercury Fish Tissue Objectives, Vacate a Mercury Water Quality Objective, and Establish a Total Maximum Daily Load (TMDL) for Mercury in San Francisco Bay.
43. State Water Resources Control Board re: Revised Notice of Public Hearing and Pre-Hearing Conference 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 Change Petition WW-0045.
44. State Dept. of Fish and Game Commission re: Notice of continuation notice of proposed regulatory action relative to sections 353 and 475, Title 14, California Code of Regulations, regarding mammal hunting-method of take regulations.
45. State Water Board re: Notice of Board Meeting and Workshop on March 20, 2007.

**ADOPTED RESOLUTION IN MEMORY OF MYRNA EVA WOLFSEN AND ADJOURNED THE MEETING UNTIL TUESDAY, MARCH 27, 2007, AT 10:00 A.M.**

## **BOARD ORDERS – SUMMARY ACTION MINUTES – MARCH 20, 2007**

### **10:00 A.M. ADDED AGENDA ITEM**

#### **2007-03-20 EXECUTIVE OFFICE**

The Clerk advises subsequent to the posting of the Agenda for the Board of Supervisors Meeting of March 20, 2007, the need for action arose regarding an upgrade of a section of substandard rail infrastructure at Castle Airport Aviation and Development Center.

Upon motion of Supervisor Kelsey, seconded by Supervisor Nelson, duly carried, the Board finds the need to take action arose subsequent to posting of the March 20, 2007, Agenda and places the item on the agenda for consideration.

Ayes: Pedrozo, Nelson, Kelsey

Not Present: Crookham, O'Banion

Following discussion, Commerce, Aviation and Economic Development Director John Fowler advises the rail that was installed some time ago was inspected last week for Big Creek Lumber, Inc. and at that time, it was determined that the gage and weight strength of the rail in this one section was insufficient to handle railcars loaded with lumber.

Upon motion of Supervisor Kelsey, seconded by Supervisor Nelson, duly carried, the Board authorizes the Department of Administrative Services to issue a purchase order for emergency railroad repairs to H&H Engineering Construction, Inc. in the amount of \$53,747 to upgrade the substandard rail at Castle Airport Aviation and Economic Development Center and approve the necessary budget transfer-\$53,747.

Ayes: Pedrozo, Nelson, Kelsey

Not Present: Crookham, O'Banion

### **10:00 A.M. SCHEDULED ITEM**

#### **2007-03-20 PUBLIC OPPORTUNITY**

Richard Rouse refers to a letter sent to the Board dated February 27, 2007, stating interest in purchasing an over-mileage county vehicle that would normally be sold at auction.

County Counsel James Fincher states Mr. Rouse will be receiving a response letter from his office.

Present: Pedrozo, Nelson, Kelsey,

Not Present: Crookham, O'Banion



**10:00 A.M. SCHEDULED ITEM**

**2007-03-20 PRESENTATION – East Merced Resource Conservation District**

East Merced Resource Conservation District (EMRCD) President Bernard Wade states members of the District met with Washington D.C. officials and as a result federal funding will be received for organic dairies and agriculture.

EMRCD Watershed Coordinator Gwen Huff reviews a powerpoint presentation for the East Merced Resource Conservation District entitled “Helping Landowners Conserve Natural Resources”.

Present: Pedrozo, Nelson, Kelsey

Not Present: Crookham, O'Banion

**10:00 A.M. SCHEDULED ITEM**

**2007-03-20 PRESENTATION – Merced County Technical Committee**

Supervisor Nelson, as a member of the Merced County Technical Committee, and Dept. of Administrative Services Director Paul Clanton reviews the powerpoint presentation highlighting Examples of Technology, Committee Goals, Innovative Governance, Productivity, Security, Cost-Effectiveness, Progress and Future Steps for the Merced County Technical Committee.

Present: Pedrozo, Nelson, Kelsey

Not Present: Crookham, O'Banion

**10:00 A.M. SCHEDULED ITEM**

**2007-03-20 PLANNING - PUBLIC HEARING**

The time and date previously set for a public hearing to consider the Negative Declaration for the Minor Boundary Change between the Counties of Merced and Fresno located within the City of Dos Palos and into Merced County's jurisdiction, with the boundary generally following Merrill Avenue on the South and Custer Avenue on the east within Sections 12, 13, 14, 22, 23, and 24 of Township 11 South, Range 12 East MDB&M with no change in existing land use proposed nor any development project.

Assistant Planning Director Bill Nicholson briefly reviews the Staff Report advising staff is present to answer questions.

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

Upon motion of Supervisor Nelson, seconded by Supervisor Kelsey, duly carried, the Board approves the Negative Declaration for the Minor Boundary Change between Fresno and Merced Counties as recommended.

Ayes: Pedrozo, Nelson, Kelsey

Not Present: Crookham, O'Banion

**10:00 A.M. SCHEDULED ITEM**

**2007-03-20 PUBLIC WORKS - CONTINUED PUBLIC HEARING**

The time and date previously set for a continued public hearing to consider a Resolution terminating maintenance of a 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 advises at the March 13, 2007 public hearing, three individuals appeared and spoke in support of terminating the maintenance of a portion of Chamberlain Road and advises the County will retain easement for public purposes across the roadway.

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

Upon motion of Supervisor Nelson, seconded by Supervisor Kelsey, duly carried, the Board accepts community comments on file, makes a Finding that these road segments are unnecessary for public convenience because the traffic on this road is intermittent and of low volume; terminates maintenance on 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, being located approximately nine miles north of the City of Dos Palos; authorizes installation of a gate on said roadway by the U.S. Fish and Wildlife Service at their own expense; directs Public Works Director to regulate the installation of said gate, to regulate the distribution of keys for said gate, and to post signs at the terminal points giving public notice that said road segments are no longer maintained by Merced County and adopts Resolution No. 2007-30.

Ayes: Pedrozo, Nelson, Kelsey

Not Present: Crookham, O'Banion