



# SUMMARY ACTION MINUTES BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, APRIL 03, 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**

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 REAL PROPERTY NEGOTIATOR:** It is the intention of the Board to meet in Closed Session concerning a Conference with County of Merced Staff Negotiators(s) pursuant to Government Code Section 54956.8 as follows: 1567 D Street, Merced, CA

**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

**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):

Ristine v. County of Merced, Case No. F051501 and  
San Joaquin Raptor v. County of Merced, Merced Farm Bureau v. County of Merced, Consolidated Case No. 150013

**THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED THERE WAS NOTHING TO REPORT**

**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 7**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) Public Works-\$100,470 and Executive Office-\$520,000

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items #1 - 14)

**APPROVED AS RECOMMENDED AYES: ALL**

**PLANNING - CONTINUED PUBLIC HEARING**

Appeal of Planning Commission Approval of Minor Subdivision Application No. MS06-066 submitted by Grassland Water District, Gustine Gun Club and Gustine Land and Cattle Company. Said Application submitted by Dale Anthenien to divide 116.6 acres of agricultural land into three parcels: Parcel 1=37.1 acres, Parcel No. 2=39.9 acres and Parcel No. 3=39.6 acres o property located on the east side of Azevedo Road, 1,280 feet north of Taglio Road in Gustine

**REVIEW BOARD ORDER – SEE PAGE 7**

**REPORTS/BOARD DIRECTION**

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

CONSENT CALENDAR (Items #1 - 14)

**APPROVED AS RECOMMENDED AYES: ALL**

Health

- 1. Proclaim the week of April 2 through 8, 2007 as “National Public Health Week” in the County of Merced.

Fire

- 2. Adopt Resolution amending and superseding all of Merced County Resolution No. 2006-64 to reflect the updated changes of designation of Director and Deputy Director of Emergency Services in order to receive Federal and State reimbursement for emergency response expenses incurred during the flood and authorize signing of necessary documents.

**ADOPTED RESOLUTION NO. 2007-38**

Human Services Agency

- 3. Approve and authorize Chairman to sign Renewal Contract No. 2002123 with Merced College for Welfare to Work participants evaluations.

Mental Health

- 4. Approve and authorize Chairman to sign Renewal Contract No. 2000150 with Residential Care Homes of Merced for Residential Care for consumers 65 years of age or older.
- 5. Approve and authorize Chairman to sign Renewal Contract No. 2000206 with 7th Avenue Center for Institute for Mental Disease services.
- 6. Approve and authorize Chairman to sign Renewal Contract No. 2006191 with Merced Lao Family, Inc. for Southeast Asian Community Advocacy Program (SEACAP) through Mental Health Services Act Three Year Plan.
- 7. Approve and authorize Chairman to sign Renewal Contract No. 2004167 with Merced Faculty Associates for consumer physicals at the Marie Green Psychiatric Health Facility.
- 8. Approve and authorize Chairman to sign Renewal Contract No. 2004156 with Larry Dumford for licensed board and care facilities.

Commerce, Aviation and Economic Development

9. Set First Reading for April 17, 2007 and Second Reading for April 24, 2007 at 10:00 a.m. to consider Proposed Ordinance for Business License Appeals Board Members.

Public Works

10. Adopt Resolution authorizing the Public Works Director and the Auditor/Controller to sign the State Transit Assistance Fund Claim for FY 2007-2008 and file the claim with MCAG.  
**ADOPTED RESOLUTION NO. 2007-39**
11. Approve Budget Transfer in the amount of \$6,500.

Board Recognition

12. Authorize Certificate of Recognition to Sensible Interiors for Ribbon Cutting Ceremony.
13. Proclaim March 13 - 24, 2007 as National Agriculture Week and authorize Certificates of Recognition to Merced Chapter, California Women for Agriculture to celebrate the 30th Anniversary and recognition of Katie Favier as Outgoing President.
14. Authorize Certificate of Recognition to Atwater Chiropractic for Ribbon Cutting and Grand Opening.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

15. Contract with Snelling Community Recreation Building Committee for the management and operation of the Snelling Community Recreation Building. (4/5 Vote Required)  
**AUTHORIZED CONTRACT NO. 2007070 AS RECOMMENDED AYES: ALL**

MENTAL HEALTH

16. Authorize new Contract with Thorington Building Properties for space located at 658 West Main Street for office space lease for merging of Alcohol and Drug Administrative Services and Mental Health Fiscal Services, reduce space leased by 750 square feet and cancel existing Contract No. 2004169.  
**AUTHORIZED CONTRACT NO. 2007114 AS RECOMMENDED AYES: ALL**
17. Contract with Cottonwood Treatment Center for Adolescent Residential Treatment Facility for Mental Health Services and approve out of state travel for FY 2006/07 for mental health staff providing on-site case management for youth for four visits at \$1,000 each for a total of \$4,000.  
**AUTHORIZED CONTRACT NO. 2007071 AS RECOMMENDED AYES: ALL**

HUMAN SERVICES AGENCY

18. Authorize release of RFP for the Senior Companion Program and selection of the potential vendors and negotiation of contract to be returned to the Board for final approval.  
**APPROVED AS RECOMMENDED AYES: ALL**
19. Authorize release of RFP for the Alzheimer's Day Care Resource Center Program and selection of the potential vendors and negotiation of contract to be returned to the Board for

final approval.

**APPROVED AS RECOMMENDED AYES: ALL**

20. Authorize release of RFP for Family Caregiver Support Program and selection of the potential vendors and negotiation of contract to be returned to the Board for final approval.

**APPROVED AS RECOMMENDED AYES: ALL**

**DEPT. OF WORKFORCE INVESTMENT**

21. Authorize submission of Competitive Grant Funding Application to California Workforce Investment Board for EDD's Regional Incentive Award and return to the Board for final approval and acknowledge the Governor's Application for U.S. Department of Labor Competitive Grant Funds for Wired Initiative-Third Generation based on selection to compete.

**APPROVED AS RECOMMENDED AYES: ALL**

**SPRING FAIR**

22. Contract with Speeda Sound, Inc. to provide sound reinforcement and related services for the Merced County Spring Fair-Los Banos for a period of 3 years ending May 31, 2009.

**AUTHORIZED CONTRACT NO. 2007072 AS RECOMMENDED AYES: ALL**

**EXECUTIVE OFFICE**

23. Contract with Demsey, Filliger & Associates (DF&A) to provide actuarial services for the requirements under the Governmental Accounting Standards Board (GASB) Statement 45, Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions (OPEB).

**AUTHORIZED CONTRACT NO. 2007073 AS RECOMMENDED AYES: ALL**

**BOARD OF SUPERVISORS**

24. Authorize Letter of Support to the Livingston Medical Group for the planned expansion of the Livingston Community Health Services Clinic.

**APPROVED AS RECOMMENDED AYES: ALL**

25. Authorize Special Board Project Funds-District Four in the amount of \$600 to be forwarded to the Delhi Municipal Advisory Council for community forum costs dealing with crime prevention and gang violence and \$2,800 to the East Merced Resource Conservation District for Grant Application for resource education and conservation efforts and approve necessary budget transfer-\$3,400.00.

**APPROVED AS RECOMMENDED AYES: ALL**

**AUDITOR**

26. Authorize Request for Proposal to perform the Annual Audit of Merced County Financial Statements, Federal Single Audit and Independent Grant Audits, authorize contract negotiations by Auditor and General Services with most responsive firm and direct Staff to return to the Board for final approval.

**APPROVED AS RECOMMENDED AYES: ALL**

27. Certify the Primary Election Results for the Celeste County Water District Election that were elected in-lieu of election.

**REVIEW BOARD ORDER – SEE PAGE 7**

DEPT. OF ADMINISTRATIVE SERVICES

28. Contract Amendment with Superior Court of California/County of Merced for Court Operations for one Janitor position (100% Revenue Support), adopt Resolution and approve the necessary budget transfer-\$13,118. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2003282 AND ADOPTED RESOLUTION NO. 2007-40 AS RECOMMENDED AYES: ALL**

BOARD APPOINTMENTS

29. Los Banos Resource Conservation District – Reappointed Dan Ramos and David Sagouspee until February 1, 2008 and Joe Mello, Joe Avelar and Robert Teicheira until February 1, 2010 .

**APPROVED AS RECOMMENDED AYES: ALL**

30. San Luis Resource Conservation District – Reappointed Michael Cannon and Larry Borelli until February 26, 2008 and Tony Neves, Nello Ferretti and John Gilardi until February 26, 2010.

**APPROVED AS RECOMMENDED AYES: ALL**

31. Winton Cemetery District – Reappointed Fred Silveria until February 18, 2011.

**APPROVED AS RECOMMENDED AYES: ALL**

BOARD INFORMATION & POSSIBLE ACTION

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

32. Dept. of Workforce Investment re: 2005/2006 Workforce Investment Act Subgrant Agreement R588733, Modification 9, with State Employment Development Department.
33. State Water Resources Control Board re: Notice of Board Meeting set for April 3, 2007.
34. State Water Resources Control Board re: State Water Board gives \$1.6 million to clean up polluted water at Leviathan Mine.
35. State Water Resources Control Board re: Notice of Public California Environmental Quality Act Scoping Meetings REVISED - Proposed Wetland and Riparian Area Protection Policy on April 9, 2007 and April 19, 2007.

**ADOPTED RESOLUTION IN MEMORY OF THOMAS FERRARI AND ADJOURNED THE MEETING UNTIL TUESDAY, APRIL 17, 2007 AT 10:00 A.M.**

**BOARD ORDERS – SUMMARY ACTION MINUTES – APRIL 3, 2007**

**10:00 A.M. SCHEDULED ITEM**  
**2007-04-03 PUBLIC OPPORTUNITY**

Jose Antonio, representing “For Our Kids”, invites the Board to a Cinco De Mayo celebration at Lake Yosemite on May 6, 2007, from 12:30 to 5:30 pm.

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

**10:00 A.M. SCHEDULED ITEM**  
**2007-04-03 PLANNING - PUBLIC HEARING**

The time and date previously set for a public hearing to consider an Appeal submitted by Grassland Water District, Gustine Gun Club and Gustine Land and Cattle Company to Planning Commission Approval of Minor Subdivision Application No. MS06-006. Said Application submitted by Dale Anthenien to divide 116.6 acres of agricultural land into three parcels on property located on the east side of Azevedo Road, 1,280 feet north of Taglio Road in Gustine.

County Counsel James Fincher states a letter has been received from the appellant requesting the matter be continued to May 15, 2007, to allow additional time for negotiations with the property owner.

Development Services Director Robert Lewis agrees to a continuance.

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

Upon motion of Supervisor Crookham, seconded by Supervisor O’Banion, duly carried, the Board continues the public hearing to May 15, 2007, at 10:00 a.m.

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

**10:00 A.M. ACTION ITEM NO. 27**  
**2007-04-03 AUDITOR/CELESTE COUNTY WATER DISTRICT**

Upon motion of Supervisor O’Banion, seconded by Supervisor Nelson, duly carried, the Board certifies the Primary Election for the Celeste County Water District finding the five vacancies were filled by five candidates; therefore, they were elected in-lieu of election as follows: Juan Aguilar and Alex Vasquez, term will end December 4, 2009; Ermilo Guijosa, Oscar Guillen and Albino Avila Salcedo, term will end December 2, 2011; and based on the election in-lieu, the appointments on February 27, 2007 for the Celeste County Water District are not required and can be rescinded.

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