



SUMMARY ACTION MINUTES BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, JUNE 05, 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

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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 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): Castro v. County of Merced - Merced Superior Court Case No. 148766; Byrd v. County of Merced - Eastern District Court Case No. 1:06-CV-00900-OWW/LJO

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

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: One Case

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

THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED STAFF WAS PROVIDED DIRECTION

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 12

PRESENTATION OF SERVICE PINS

Dept. of Workforce Investment - Sandra Lemas, 30 years;

Human Services Agency - Janet Perry, 20 years;

Public Works - Lynn Vanskike, 15 years;

Board of Supervisors - Supervisor Kathleen Crookham, 10 years

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

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Sheriff-\$20,000; Dept. of Admin. Services-\$1,600; Public Defender-\$21,000; Treasury-\$6,400 and Health-\$33, \$325 and \$201

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 40)

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 of property located on the east side of Azevedo Road, 1,280 feet north of Taglio Road in Gustine

REVIEW BOARD ORDER – SEE PAGES 12 AND 13

BOARD OF SUPERVISORS - PUBLIC HEARING

To consider minor boundary change involving the transfer of 6.52 square miles from Fresno County to Merced County

REVIEW BOARD ORDER – SEE PAGE 13

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items #1 - 40)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve and authorize Chairman to sign Amendment to Contract No. 2004165 with Alisto Engineering Group for professional Solid Waste Monitoring and Consulting Services.
2. Approve and authorize Chairman to sign Amendment to Contract No. 2001134 with Foothill Associates for professional Biological Monitoring and Consulting Services.
3. Accept Final Map for Sorrento Subdivision in the Merced area.

Mental Health

4. Approve and authorize Chairman to sign Renewal Contract No. 2007018 with JDT Consultants for therapeutic behavioral services.
5. Approve and authorize Chairman to sign Renewal Contract No. 2001183 with Dr. Elmer Ignacio for psychiatric services for the Saturday Meds Clinic.
6. Approve and authorize Chairman to sign Renewal Contract No. 2004064 with Beverly Living Center-Fresno Behavioral Care for services to disabled adult consumers.
7. Approve and authorize Chairman to sign Renewal Contract No. 2004006 with Davis Guest Home for specialized residential placement for clients in need of assisted living.
8. Approve and authorize Chairman to sign Renewal Contract No. 2004347 with Victor Treatment Center for residential facility for youth.
9. Approve and authorize Chairman to sign Renewal Contract No. 2003023 with BHC Heritage Oaks Hospital for Inpatient Hospital services for Medi-Cal clients.

Health

10. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2004200 with State Dept. of Health Services for Childhood Immunization Program.
ADOPTED RESOLUTION NO. 2007-63
11. Approve and authorize Chairman to sign Renewal Contract No. 2004106 with State Water Resources Control Board for oversight of the Underground Storage Tank (UST) Program.
ADOPTED RESOLUTION NO. 2007-64

Fire

12. Approve and authorize Merced County Fire Chief to sign Addendum to Contract No. 2006251 with Merced Community College District for Firefighter Training for FY 2007/08.

Human Services Agency

13. Approve and authorize Chairman to sign Renewal Contract No. 2006111 with Merced Lao Family Community, Inc. for employment and training services.

Sheriff

14. Set public hearing for June 19, 2007 at 10:00 a.m. to consider Proposed Ordinance setting the Criminal Justice Administrative Fee (Booking Fee).

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

Ag. Commissioner

15. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2004247 with Calif. Dept. of Pesticide Regulation for Electronic Pesticide User Reporting Services and Support.
ADOPTED RESOLUTION NO. 2007-65
16. Approve and authorize Chairman to sign Renewal Contract No. 2004158 with USDA-APHIS-Wildlife Services for Predatory Animal Control in Merced County.
REVIEW BOARD ORDER – SEE PAGES 13 AND 14
17. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2006109 with Calif. Dept. of Food and Ag. for Petroleum and Weighmaster Enforcement Inspections.
ADOPTED RESOLUTION NO. 2007-67
18. Approve Budget Transfer in the amount of \$14,000 as recommended by Executive Office.

Probation

19. Approve Budget Transfer in the amount of \$16,800 as recommended by Executive Office.

Executive Office

20. Approve and authorize Chairman to sign the following Amendments to MOUs-Contracts with CSAC Excess Insurance Authority (EIA): No. 2007115-Medical Malpractice Program, No. 2007116-Excess Liability Program and No. 2007117-Excess Workers Compensation Program.

Board of Supervisors

21. Set public hearing for June 26, 2007 at 10:00 a.m. to consider an Appeal to Minor Subdivision Application No. 07-013 by Meena Farms to Planning Commission decision to divide a 45 acre parcel into 2 parcels of 22.5 acres each on property located at southwest corner of Highway 33 and Bunker Road in Gustine.
22. Set public hearing for June 26, 2007 at 10:00 a.m. to consider an Appeal to MS07-014 submitted by Iyer Farms to divide a 72 acre parcel into three 24 acre parcels on property located on the north side of Husman Road and east of Whitworth Road in Gustine.

Treasurer-Tax Collector

23. Grant the County Treasurer relief for shortages in the amount of \$100 and grant replenishment for one counterfeit bill.
24. Accept the Quarterly Investment Report for the Period Ending March 31, 2007.

County Counsel

25. Set First Reading for June 19, 2007 at 10:00 a.m. to consider Proposed Ordinance to reflect Merced County Boundary Change that would increase 6.52 additional square miles of the Dos Palos community into Merced County.

Board Recognition

26. Proclaim May 3, 2007, as "National Day of Prayer" in Merced County.
27. Authorize Certificate of Recognition and Plaque to the City of Merced in Celebration and Dedication of the Carol Gabriault Park.

28. Proclaim the month of April, 2007, as "Sexual Assault Awareness Month" and April 25, 2007, as "Jeans for Justice Day" in Merced County.
29. Proclaim the week of April 22 - 28, 2007, as "Week of the Young Child" in Merced County.
30. Proclaim the week of April 22 - 28, 2007, as "Safety Seat Checkup Week" in Merced County.
31. Authorize Certificate of Recognition to the Atwater Baptist Church in celebration of Ribbon Cutting.
32. Authorize Certificate of Recognition to McSwain Union Elementary School District in celebration of Groundbreaking of New Primary School Expansion Project.
33. Authorize Certificates of Recognition to 2007 Police, Sheriff and Firefighter of the Year as follows: Nicole Wagner/Correctional Officer and Jeff Coburn/Patrol Officer with Merced County Sheriff's Department; Andrew Hathaway/Reserve Firefighter and Andy McMurry/Engineer-Firefighter with the Atwater City Fire Department and Adolfo Lomeli/Detective and Allen Russell/Volunteer with the Atwater Police Department.
34. Authorize Certificate of Recognition to the Merced College Learning Resources Center in celebration of Ribbon Cutting of New Library.
35. Authorize Certificates of Recognition to Madelyn Pacheco for 31 years and Mary Garcia for 26 years of dedicated service with the USDA/Foster Farms in Merced County.
36. Authorize Certificates of Recognition to individuals recognized by the Livingston/Delhi VFW and Ladies Auxiliary #8327.

REVIEW BOARD ORDER – SEE PAGE 14

37. Authorize Certificates of Recognition to Dispatchers of the Year as follows: Nicole Bowden-Merced County Sheriff's Department, Tina McKnight-Atwater Police Department, Susan White-UC Merced, Christi Nelson-Los Banos Police Department and Connie Rudel-California Highway Patrol.
38. Authorize Certificate of Recognition to Merced Cemetery District for monument dedication in memory of California's Unsung Hero John H. Rogers.
39. Authorize Certificate of Recognition to Death Valley 49ers Inc. for the monument dedication in memory of California's Unsung Hero John H. Rogers.

Library

40. Authorize the Merced County Main Library to dispose of out-of-date or worn out library material.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

41. Approve plans and specifications for Santa Fe Drive at California Street Intersection Improvements with information to come back to the Board on the bid results and contract

award.

AUTHORIZED CONTRACT NO. 2007118 AS RECOMMENDED AYES: ALL

42. Contract with State Dept. of Transportation for State-funded projects (Master Agreement No. 00033S) for the Campus Parkway Project; adopt Resolution authorizing the Public Works Director to execute supplemental, fund exchange and fund transfer agreements; and adopt Resolution authorizing Chairman to execute Master Agreement.

ADOPTED RESOLUTION NO. 2007-68 (DIRECTOR) AND 2007-69 (CHAIRMAN) AND AUTHORIZED CONTRACT NO. 2007119 AS RECOMMENDED AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

43. Contract with Merced College for Licensed Vocational Nursing Training.

AUTHORIZED CONTRACT NO. 2007120 AS RECOMMENDED AYES: ALL

44. Contract with Stanislaus County Alliance Worknet for Licensed Vocational Nursing Training.

AUTHORIZED CONTRACT NO. 2007121 AS RECOMMENDED AYES: ALL

MENTAL HEALTH

45. Contract with Merced College District for placement of student interns who agree to complete field practicum requirements with Mental Health.

AUTHORIZED CONTRACT NO. 2007122 AS RECOMMENDED AYES: ALL

HEALTH

46. Accept \$200,000 Grant from First 5 Merced County for the Comprehensive Children's Injury Prevention Program and authorize Chairman to sign Contract and approve the necessary budget transfer-\$55,696. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2007123 AS RECOMMENDED AYES: ALL

47. Contract with First 5 Merced County for First Steps Program and approve the necessary budget transfer-\$107,000. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2007124 AS RECOMMENDED AYES: ALL

DEPT. OF ADMIN. SERVICES

48. Declare Exhibit A as Surplus Property and authorize its disposal and authorize an Internet Public Auction to be conducted by Public Surplus LLC of items listed.

APPROVED AS RECOMMENDED AYES: ALL

49. Declare one cork board, one fabric message board, one four-drawer metal file cabinet, one five-drawer metal file cabinet and two storage cabinets with wheels as Surplus Property and authorize the items be donated to the City of Gustine.

APPROVED AS RECOMMENDED AYES: ALL

AG. COMMISSIONER

50. Contract with Calif. Dept. of Food and Agriculture for Eradication of Japanese Dodder and adopt Resolution.

AUTHORIZED CONTRACT NO. 2007129 AND ADOPTED RESOLUTION NO. 2007-70 AS RECOMMENDED AYES: ALL

DISTRICT ATTORNEY

51. Relieve accountability for Fixed Assets No. 42806, 45305, 52791, 55596, 49828, 55160, 38190, 42809, 43578, 43579, 50964, 51573, 45516 and 45517; and authorize removal of Fixed Assets No. 42806, 45305, 52791, 55596, 49828, 55160, 38190, 42809, 43578, 43579, 50964, 51573, 45516 and 45517 from Fixed Asset Inventory List.

APPROVED AS RECOMMENDED AYES: ALL

FIRE

52. Appoint Fire Division Chief Scott Newman as the Merced County Office of Emergency Services Deputy Director-Operations pursuant to Ordinance No. 1567 and amend Resolution No. 2006-150 updating the designation.

ADOPTED RESOLUTION NO. 2007-71 AS RECOMMENDED AYES: ALL

53. Authorize Merced County Office of Emergency Services to apply for the 2007 Governor's Office of Homeland Security for FY 2007 Homeland Security Grant Program funds and adopt Resolution authorizing Fire Officials to act on behalf of the Merced County Operational Area.

ADOPTED RESOLUTION NO. 2007-72 AS RECOMMENDED AYES: ALL

RETIREMENT

54. Adopt Recommended Retirement Contribution and Interest Rates effective for the July 13, 2007 payroll as follows: General: Tier 1, 8.95% and Tier 2, 7.42%; and Safety: Tier 1, 10.56% and Tier 2, 7.28%.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

55. Contract with Merced County Office of Education for community development and support with the Family Resource Council.

AUTHORIZED CONTRACT NO. 2007125 AS RECOMMENDED AYES: ALL

56. Adopt the 2007 Merced County Continuum of Care Plan and adopt the 2007 Merced County Continuum of Care Application.

APPROVED AS RECOMMENDED AYES: ALL

57. Declare sixteen computers as surplus property and authorize the donation of the sixteen computers to Merced Lao Family Community, Inc.

APPROVED AS RECOMMENDED AYES: ALL

PROBATION

58. Contract with Suzie Cohen & Associates to develop and update the current Juvenile Justice Facility Needs Assessment.

AUTHORIZED CONTRACT NO. 2007126 AS RECOMMENDED AYES: ALL

PLANNING

59. Contract with Quad Knopf based upon RFQ #6034 for the preparation of environmental documents and permit processing applications.

AUTHORIZED CONTRACT NO. 2007127 AS RECOMMENDED AYES: ALL

60. Contract with Willdan Corporation based upon RFQ #6034 for the preparation of environmental documents and permit processing applications.

AUTHORIZED CONTRACT NO. 2007128 AS RECOMMENDED AYES: ALL

61. Resolution approving Grant Funds from the Calif. Dept. of Conservation's Farmland Conservancy Program for the purchase of agricultural conservation easements offered by the landowners, John and Rose Maria Tristao, James Coehlo and Dayna Valadao Farms in the Los Banos area (APN 084-150-020, 084-150-021, 084-150-013, 084-150-029 and 084-150-030).

ADOPTED RESOLUTION NO. 2007-73 AS RECOMMENDED AYES: ALL

AUDITOR

62. Authorize the Auditor-Controller to make the following appropriate transfers: (1) General Fund-transfer salary savings appropriation to cover overdrawn accounts and accounts required to pay Information Systems, Communications, Fleet Service Management and Insurance Pool. (2) Other funds-transfer salary and service and supplies appropriations to cover overdrawn accounts and amounts required to pay Information Systems, Communications and Fleet Service Management and Insurance Pool. (3) General and other funds-transfer accrual appropriation and estimated revenue from the accrual line items to cover accounts overdrawn as a result of accruals. (4) Authorize the Auditor-Controller to increase estimated proceeds from taxes and contingencies by the amount actual proceeds from taxes exceeds the estimates.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

63. Contract with C & W Environmental Consulting, Inc. for testing of asbestos-containing material for Fire Restoration Services for the Courthouse and Kane Building Flood.

AUTHORIZED CONTRACT NO. 2007130 AS RECOMMENDED AYES: ALL

64. Approve the CSAC Challenge Award Applications submitted by Workforce Investment-Staff and Client Training; Human Resources-Interactive Process Program and Sheriff-Methamphetamine Prevention Video and adopt Resolution.

ADOPTED RESOLUTION NO. 2007-74 AS RECOMMENDED AYES: ALL

65. Approve the 2006/2007 Grand Jury Letter of Response to the Presiding Judge of the Superior Court and authorize the Chairman to sign the Letter.

REVIEW BOARD ORDER – SEE PAGE 15

COUNSEL

66. Contract with Baker, Donelson, Bearman, Caldwell and Berkowitz, P.C. to provide expert aviation consulting services.

AUTHORIZED CONTRACT NO. 2007131 AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

67. Authorize expenditure of Special Board Project Funds-District Three in the amount of \$3,641 to Bob Holl Sheet Metal for Atwater Veterans Hall replacement of vent hood exhaust fan and installation of make-up air cooler for hood.

APPROVED AS RECOMMENDED AYES: ALL

68. Authorize expenditure of Special Board Project Funds-District Four in the amount of \$1,250 to Citizens for the 4th of July Committee to support activities in Gustine and \$1,250 to the Delhi Chamber of Commerce to support the 4th of July activities in Delhi and approve the necessary budget transfer-\$2,500.

APPROVED AS RECOMMENDED AYES: ALL

69. Authorize expenditure of Special Board Project Funds-District Four in the amount of \$717 to cover the cost of MIT Plumbing replacing damaged water line at Gustine Veterans Hall and approve the necessary budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

70. Consider the following actions for Partial Payments on current taxes due: (1) accept partial payment; or (2) decline to accept partial payment; or (3) maintain status quo.

REVIEW BOARD ORDER – SEE PAGE 15

71. Accept the Board Technology Committee Report and Recommendation and authorize Public Works to return to the Board with proposed recommendations and cost alternatives on vehicle efficiency by August 21, 2007.

REVIEW BOARD ORDER – SEE PAGE 16

BOARD APPOINTMENTS

72. First 5 Merced County – Reappointed Shirley Brown, representing District Three, until March 23, 2009.

APPROVED AS RECOMMENDED AYES: ALL

73. Emergency Medical Care Committee – Appointed Robert Parker-Field Representative and Laura Letcher, MD-Emergency Department Physician until June 30, 2011, and appointed Deputy Mike Harris-Law Enforcement until June 30, 2008.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

74. Clarification of FPPC correspondence re: Memo to County Counsel relative to FPPC Advice regarding Conflict of Interest.

75. Public Works re: Award of Contract to Ellis & Ellis for New Court Building Exterior and Interior Signage.

AUTHORIZED CONTRACT NO. 2007027

76. Commerce, Aviation and Economic Development re: Comcast Cable price adjustments effective on and after June 1, 2007.

REVIEW BOARD ORDER – SEE PAGE 16

77. California Environmental Protection Agency re: Notice of Public Workshop and CEQA Scoping Meeting on June 28, 2007 to Evaluate Water Quality Standards for the Protection of Human Health in Alamo and Ulatis Creeks and Cache Slough, Solano County.

78. U.S. Department of Homeland Security re: Letter regarding levees that are accredited on the effective Flood Insurance Rate Map (FIRM) and in the effective Flood Insurance Study (FIS) report for unincorporated areas of Merced County. (On file with Clerk)

79. Madera County Board of Supervisors re: Response to Yosemite National Park regarding proposed fee increase effective January 1 2008.
80. State Water Resources Control Board re: Notice of Public Scoping Meeting - California Ocean Plan Amendment set for June 26, 2007.
81. State Water Resources Control Board re: Proposed Amendments to Underground Storage Tank Regulations, Notice of Public Hearing set for July 16, 2007 at 1:30 p.m.

ADOPTED RESOLUTION AND ADJOURNED MEETING IN MEMORY OF JOHN C. RICHARDS UNTIL TUESDAY, JUNE 19, 2007 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JUNE 5, 2007

10:00 A.M. SCHEDULED ITEM

2007-06-05 PUBLIC OPPORTUNITY

Renee McDonald, representing Advocates for Justice, submits and reads a letter concerning the Domestic Violence Services Request for Proposal process and states the Advocates for Justice is still interested in providing these services.

Reno Ramirez (Planada) requests the median located by the Planada Post Office be maintained on a regular basis.

Castle, Airport and Economic Development Director John Fowler provides an update on the Big Creek Lumber Company stating the transfer of property to Castle Air Museum has been recorded which leaves the matter of the Bloss Memorial Healthcare District to be completed.

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

10:00 A.M. SCHEDULED ITEM

2007-06-05 PLANNING – CONTINUED PUBLIC HEARING

The time and date previously set for a public hearing to consider Appeal of Planning Commission approval of Minor Subdivision Application No. MS06-006 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 of property located on the east side of Azevedo Road, 1,280 feet north of Taglio Road in Gustine.

Development Services Director Robert Lewis reviews the staff report and advises an agreement has been reached between the Applicant and Grassland Water District General Manager Dave Wydell. He advises Staff recommends, if the Appeal is not withdrawn, the Board deny the Appeal and uphold the Planning Commission's decision.

Mr. Wydell refers to the Letter dated May 18, 2007 that addresses the Conditions regarding the parcel division application and states Grassland Water District agrees with staff recommendations and would no longer seek denial of the project. He states he has not received comments from all of the appellants.

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

Applicant Dale Anthenien speaks in support of the agreement.

Following discussion, Director Lewis states the recommendation is for the Board to deny the Appeal and uphold the Planning Commission decision, and further, that staff has agreed with the

Applicant and Appellant to accept a new application and that would place conditions on the face of parcel map under technical review.

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board denies the Appeal and upholds the Planning Commission decision with the understanding a new application will be submitted with conditions as agreed to by the parties.

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

10:00 A.M. SCHEDULED ITEM

2007-06-05 BOARD OF SUPERVISORS - PUBLIC HEARING

The time and date previously set for a public hearing to consider minor boundary change involving the transfer of 6.52 square miles from Fresno County to Merced County in the Dos Palos area which is located on the southern portion of Merced County and the unincorporated community adjacent to the city which transcends both Fresno and Merced Counties submitted by the Board of Supervisors.

Management Analyst Angelo Lamas reviews the Staff Report and the powerpoint presentation.

Supervisor O'Banion states due to the number of concerns regarding emergency response times for the Dos Palos residents, Fresno and Merced County have been working together.

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

Elizabeth Kline, Fresno Mosquito Abatement District, requests to be placed on LAFCO mailing list and states the Merced Mosquito Abatement District would like to be included on the mailing list as well.

The Chairman closes the public hearing.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board approves Merced County Boundary Change as presented and reflected on the legal description shown on Exhibit A Revised April 11, 2007 with the understanding the process will go through LAFCO and work with Special Districts and authorizes the Chairman to sign the necessary documents required by the State Board of Equalization.

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

CONSENT ITEM NO. 16

2007-06-05 AG. COMMISSION

The Clerk announces the Renewal Contract with USDA-APHIS-Wildlife Services for Predatory Animal Control is before the Board for consideration.

Ag. Commissioner Dave Robinson states the Predatory Animal Control contract budgeted 1.5 trappers sharing .5 with Madera County. The shared trapper position will become full-time with Madera County and the Wildlife Service is recommending Merced County have one trapper. He states currently the County pays 60 percent and Federal pays 40 percent and no other costs can be covered.

Wade Carlson, USDA Wildlife Service, states he and Don Cofield are present to answer questions the Board may have.

Discussion is held regarding the funding of the positions, workload and programs available through Fish and Wildlife.

Following discussion, Supervisor Nelson moves, seconded by Supervisor Kelsey, the Board approve and authorize the Chairman sign Renewal Contract No. 2004158 with USDA-APHIS-Wildlife Services for Predatory Animal Control as recommended.

Mr. Carlson states USDA Wildlife Service offers technical assistance and provides guidance through staff on dealing with wildlife damage situations and resolving problems, and if the problem persists, the Service also provides direct control.

Supervisor Crookham states countywide additional services should be explored.

The Chairman calls for a vote on the motion.

Supervisor O'Banion votes "no". Motion carries.

Ayes: Pedrozo, Crookham, Nelson, Kelsey

Noes: O'Banion

CONSENT ITEM NO. 36

2007-06-05 BOARD OF SUPERVISORS

The Board authorizes Certificates of Recognition to the following individuals for being recognized by the Livingston/Delhi VFW and Ladies Auxiliary #8327: Adrianleena Diaz-Outstanding Sea Cadet; Kera Cohen, Joy Silva and Lorie Garcia-Patriot's Pen Advisor; Sara Cervantes-Voice of Democracy Advisor; Enrique Lopez-3rd Place Patriot's Pen Essay; Victoria Alvarez-2nd Place Voice of Democracy; Noemi Olivarez-1st Place Voice of Democracy; Bravlio Velazquez-1st Place Patriotic Art; Camile Adams-Ballico-Cressey Patriotic Teacher K-5; Chris Kubo-Ballico-Cressey Patriotic Teacher 6-8; Karen Firestine-Delhi Patriotic Teacher K-5; Amanda Parrish-Delhi Patriotic Teacher 6-8; Fabian Gallegos-Delhi Patriotic Teacher 9-12; Glenn Engineering-Merced County Patriotic Business; Hughson Nut Growers LLC-Livingston Patriotic Business; The Perry Family-Delhi Patriotic Family; The Reyes Family-Livingston Patriotic Family; Tim Isley-2007 Delhi Firefighter of the Year; Kanwardip Kailey-2007 Livingston Firefighter of the Year; Dan Stambaugh-Recognition of Years of Service to the Livingston Community; Maribel Arevalo-2007 Livingston Dispatcher of the Year; Hector Becerra-2007 Livingston Law Enforcement Officer of the Year; Sherman Kishi-2007 Veteran of the Year; Lowrie Bickford-2007 Veterans of Foreign Wars Member of the Year and Judy Grisham-2007 Ladies Auxiliary Member of the Year.

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

ACTION ITEM NO. 65

2007-06-05 EXECUTIVE OFFICE

The Clerk announces the 2006/2007 Grand Jury Letter of Response to the Presiding Judge of the Superior Court is before the Board for consideration.

Supervisor O'Banion states the current Grand Jury has released portions of their report on an on-going basis with departments responding immediately. He questions if the Grand Jury has closed out for this year and if so, has the final report been released; and if not, should the Board approve a letter now or wait until the final report has been received. He questions whether the Grand Jury has the authority to release documents on an on-going basis.

Director of Governmental Affairs Mark Hendrickson advises the Board has an obligation to respond to the Grand Jury Report within 90 days and staff is recommending the Board consider release of the final report as posted on the website as Final but a supplemental may be submitted within the next 30 days since the Grand Jury has until June 30th to provide their report.

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor Nelson, duly carried, the Board approves and authorizes the Chairman to sign the 2006/2007 Grand Jury Letter of Response to Presiding Judge John Kiriara of the Superior Court.

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

ACTION ITEM NO. 70

2007-06-05 BOARD OF SUPERVISORS

The Clerk announces consideration of actions for Partial Payments on current taxes due is before the Board for consideration.

Treasurer/Tax Collector Karen Adams reviews the staff report and recommends "Action No. 2 – Decline to Accept Partial Payment" which is consistent with current policy and in the best interest of the community as a whole.

Supervisor O'Banion questions if the County pays interest when taxes are paid in full on matters that are filed before the Assessment Appeals Board (on an Application for Changed Assessment) and the Board rules in favor of the property owner.

Auditor Steve Jones states the County will pay interest if the amount is \$100,000 or greater and if the property owner requests interest be paid.

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board accepts Recommendation No. 2-Direct Staff to prepare a Resolution for consideration directing the Tax Collector not to accept partial payments of secured property taxes and to return to the Board with a resolution.

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

Following discussion, Auditor Steve Jones states he will come forward regarding a future Board Agenda item regarding the County's procedure for paying interest when a change has been made to the Assessment Roll and taxes have already been paid.

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

ACTION ITEM NO. 71

2007-06-05 BOARD OF SUPERVISORS

Supervisor Nelson reviews the staff report and states the Board Technology Committee has been meeting and departments have shared concerns with vehicle efficiencies and emissions from vehicles.

Upon motion of Supervisor Nelson, seconded by Supervisor Kelsey, duly carried, the Board accepts the Board Technology Committee Report and Recommendation and authorizes Public Works to return to the Board with proposed recommendations and cost alternatives on vehicle efficiency by August 21, 2007.

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

INFO ITEM NO. 76

2007-06-05 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

Supervisor Kelsey states complaints continue regarding Comcast service in the Gustine area.

Commerce, Aviation and Economic Development Director John Fowler states due to the State's control, complaints are difficult to resolve and suggests citizens contact the Public Utilities Commission regarding cable company complaints.

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