



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, JUNE 19, 2007

Closed Session – 8:00 a.m.
Regular Meeting – 10:00 a.m.
Proposed Budget – 1:30 p.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

8:00 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(b): Four 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 Section 54956.9(a): San Joaquin Raptor v. County of Merced, Superior Court Case No. 150017; Fagundes v. County of Merced, Superior Court Case No. 150012; Merced County Farm Bureau et al. v. County of Merced, Fox Hills, et al., RPI, Superior Court Case No. 150015

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 8:00 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

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 14

10:00 A. M.

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Public Works-\$57,000 and \$12,000; Sheriff-\$20,339; Auditor-\$3,450,000; Human Services Agency-\$7,820; Health-\$77; Dept. of Admin. Services-\$131,000 and Library-\$2,200 **APPROVED AS RECOMMENDED**
AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 52)
APPROVED AS RECOMMENDED **AYES: ALL**

COUNTY COUNSEL - PROPOSED ORDINANCE - FIRST READING - SET SECOND READING AND POSSIBLE ADOPTION FOR JUNE 26, 2007
To consider Proposed Ordinance approving Minor County Boundary Change that would increase 6.52 additional square miles of unincorporated Fresno County adjacent to the Dos Palos community into Merced County
REVIEW BOARD ORDER – SEE PAGE 14

PUBLIC WORKS - PUBLIC HEARING
To consider proposed Resolution authorizing the Merced County Regional Waste Management Authority to issue Solid Waste Revenue Bonds, Series 2007 in an amount not to exceed \$42,000,000
REVIEW BOARD ORDER – SEE PAGES 14 AND 15

SHERIFF - PUBLIC HEARING
To consider establishing the Criminal Justice Administrative Fee (Booking Fee) for the Year 2007/2008
REVIEW BOARD ORDER – SEE PAGE 15

REPORTS/BOARD DIRECTION
County Executive Officer, County Counsel, County Auditor, Board of Supervisors Members

LUNCH BREAK

1:30 P. M.

COUNTY EXECUTIVE OFFICE – FY 2007/08 Proposed Budget
(1) Adopt the Proposed Budget for FY 2007/08 as an operating budget until the Board adopts a Final Budget. (2) Direct that no expenditures be made for any item requiring policy direction, as listed in the Proposed Budget, without specific Board authorization. (3) Request the Clerk of the Board make available copies of the FY 2007/08 Proposed Budget to all interested people and advertise the Final Budget Hearings to commence on August 21, 2007 at 1:30 p.m. and schedule the Public Hearing on Proposition 4 Appropriation Limitation on August 21, 2007 at 1:30 p.m.
REVIEW BOARD ORDER – SEE PAGES 15 AND 16

CONSENT CALENDAR (Items #1 - 52)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Adopt Resolution accepting the Grant Deed for State Highway 140 right-of-way from Frank and Marsha Cuttone in connection with Minor Subdivision No. 05067.

ADOPTED RESOLUTION NO. 2007-76

2. Adopt Resolution restricting parking on the south side of Clover Avenue in Atwater and authorize installation of signs.

ADOPTED RESOLUTION NO. 2007-77

3. Adopt Resolution authorizing installation of an All-Way Stop at intersection of Santa Fe Drive and El Capitan Way in Cressey and authorize installation of signs.

ADOPTED RESOLUTION NO. 2007-78

Mental Health

4. Approve and authorize Chairman to sign Renewal Contract No. 2003108 with Human Services Agency for Money Management Services.

5. Approve and authorize Chairman to sign Renewal Contract No. 2004347 with Victor Treatment Center for Residential Treatment Facility for Youth.

6. Approve and authorize Chairman to sign Renewal Contract No. 200240 with Sylmar Health and Rehabilitation Center for State Licensed Mental Health Rehabilitation Center.

7. Approve and authorize Chairman to sign Amendment to Contract No. 2007018 with JDT Consultants for Therapeutic Behavioral Services.

8. Approve and authorize Chairman to sign Renewal Contract No. 2004184 with RMC Homes, Inc. for Board and Care Home.

9. Approve and authorize Chairman to sign Renewal Contract No. 2004015 with Country Villa Merced Behavioral Health as licensed provider.

10. Approve and authorize Chairman to sign Amendment to Contract No. 2005149 with Community Social Model Advocates, Inc. for Alcohol and Drug Residential Recovery Services.

Human Services Agency

11. Approve and authorize Chairman to sign Renewal Contract No. 2006132 with University of California-Davis for Staff Training and Development.

12. Approve and authorize Chairman to sign Renewal Contract No. 2004280 with University of California-Davis for Staff Training and Development-Child Welfare Services.

13. Approve and authorize Chairman to sign Renewal Contract No. 2004028 with Calif. Dept. of Aging for Senior Community Services Employment Program and adopt Resolution.

ADOPTED RESOLUTION NO. 2007-79

14. Approve and authorize Chairman to sign Renewal Contract No. 2004222 with Calif. Dept. of Aging for the Title III, VII, IIIE and CBSP Area Programs and adopt Resolution.

ADOPTED RESOLUTION NO. 2007-80

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

15. Approve and authorize Chairman to sign Renewal Contract No. 2004249 with Calif. Dept. of Aging for Health Insurance Counseling and Advocacy Program (HICAP) and adopt Resolution.

ADOPTED RESOLUTION NO. 2007-81

16. Approve and authorize Chairman to sign Amendment to Contract No. 2004155 with CareAccess for Q Continuum software system.
17. Approve and authorize Chairman to sign Amendment to Contract No. 2004153 with McWilliams Mailliard Technology Group for Adult Protective Services Software.

Commerce, Aviation and Economic Development

18. Approve and authorize Chairman to sign Renewal Contract No. 2004183 with IMS Worldwide, Inc. for Foreign-Trade Zone Consulting.
19. Approve and authorize Chairman to sign Renewal Contract No. 2005154 with Bennett Telecom for Telecommunications, Operations, Maintenance and Expansion Services.

Health

20. Approve and authorize Chairman to sign Amendment to Contract No. 2004009 with Decade Software Company, LLC for support of Envision Management System and adopt Resolution.

ADOPTED RESOLUTION NO. 2007-82

Human Resources

21. Approve and authorize Chairman to sign Renewal Contract No. 2001254 with Dr. Phillip Hamm for pre-employment/fitness for Duty Psychological examinations.
22. Approve and authorize Chairman to sign Renewal Contract No. 2004311 with Liebert Cassidy Whitmore for legal/labor relations services.
23. Approve and authorize Chairman to sign Renewal Contract No. 2005200 with Calif. State Personnel Board for Grievance and Appeal Hearings.

Planning

24. Set public hearing for July 17, 2007 at 10:00 a.m. to consider proposed transfer of funds from the Rehabilitation Revolving Loan Account to the Housing Acquisition Revolving Loan Account.
25. Approve and authorize Chairman to sign Renewal Contract No. 2006107 with Self-Help Enterprises for Housing Loan Portfolio Management Services.

Executive Office

26. Approve Travel Requests for Child Support Services, Sheriff-Coroner and Dept. of Workforce Investment as recommended by Executive Office.

Ag. Commissioner

27. Approve Budget Transfer in the amount of \$3,200 as recommended by Executive Office.

First 5

28. Approve Budget Transfer in the amount of \$2,759 as recommended by Executive Office.

District Attorney

29. Adopt Resolution authorizing District Attorney's participation in the Vertical Prosecution Block Grant Program for continued funding and authorize Contract No. 2004181 with Governor's Office of Emergency Services and signing of Certificate of Assurance of Compliance.

ADOPTED RESOLUTION NO. 2007-83

30. Adopt Resolution authorizing District Attorney's participation in the Victim/Witness Assistance Program for continued funding and authorize Contract No. 2007148 with Victim/Witness Assistance Program and signing of Certificate of Assurance of Compliance.

ADOPTED RESOLUTION NO. 2007-84

31. Adopt Resolution authorizing District Attorney's participation in the Criminal Restitution Program and authorize Contract No. 2007023 with Victim Compensation and Government Claims Board.

ADOPTED RESOLUTION NO. 2007-85

Sheriff

32. Approve submission of Application to the U.S. Dept. of Justice for the 2007 Edward Byrne Memorial Justice Assistance Grant in the amount of \$50,160 and authorize the Sheriff to act as proxy for Merced County in the Internet Grants.gov and Grants Management System with contract to come back to the Board for approval.

Board of Supervisors

33. Approve Minutes of March 13, 20 and 27, 2007 and April 3, 2007 as submitted.

Board Recognition

34. Proclaim the Month of May 2007 as "Elder Abuse Prevention Month" in Merced County.

35. Proclaim the Month of May 2007 as "Veteran Appreciation Month" in Merced County.

36. Proclaim May 3, 2007, as "National Day of Prayer" in Merced County.

37. Proclaim the Month of May 2007 as "Older Americans Month" in Merced County.

38. Authorize Certificates of Recognition to individuals for being recognized at the American Legion Merced Post #83 Awards Banquet as Law Enforcement Officers of the year.

REVIEW BOARD ORDER – SEE PAGE 16

39. Authorize Certificate of Recognition to Bonnie Spain for receiving the Good Samaritan Award during the Annual National Day of Prayer in Dos Palos and Proclaim May 3, 2007 as "National Day of Prayer" in Merced County.

40. Authorize Certificate of Recognition to Big Creek Lumber in celebration of Grand Opening.

41. Authorize Certificate of Recognition to Save Mart Supermarket in celebration of Ribbon Cutting and Grand Opening of the new location in Atwater.

42. Authorize Certificate of Recognition to the City of Los Banos in celebration of their 100th Birthday.
43. Authorize Certificates of Recognition to the 2007 Senior Citizens of the Year: Vernelle Rowe and Laura Bettencourt-Los Banos Golden Age Club Inc.; Anna Markiano-Merced Senior Social Club; Maeline C. Feist and Josie Silva-Winton Senior Social Club; Manuel Bairos Jr. and Marlene Bairos-Atwater AARP Chapter #2194; Ruby Rodriguez-Delhi Senior Citizen's Club; Frank R. Carlock and Mae Cotton-Merced Senior Citizens Inc.; Urla Garland-Merced/Mariposa California Retired Teachers Association; Marcia and Robert Langston-Merced AARP Chapter #282; Hilda Desper and Betty Graham-Hilmar Senior Citizen's Social Club; Ruth Garland and Fannie A. Harlan-Atwater Senior Social Club; Richard Ireland and Elaine Simmons-Dos Palos Senior Club and Juan Ortiz-Merced Over 50 Club.
44. Authorize Certificates of Recognition and Plaque to Daniel J. Chavez for 37 years of dedicated service to Planada Elementary School District.
45. Authorize Certificate of Recognition to Les Papazian for lifetime dedication to the County of Merced.
46. Authorize Certificate of Recognition to "Goin' Postal" in celebration of their Ribbon Cutting.
47. Authorize Certificate of Recognition to Safeway Distribution Center in celebration of 10 years of operation.
48. Authorize Certificate of Recognition to City of Merced in celebration of Ribbon Cutting and Open House of the New Parks and Recreation Department.
49. Authorize Certificates of Recognition to individuals and organizations for being recognized by the Central Valley Opportunity Center for providing education and training services.

REVIEW BOARD ORDER - SEE PAGE 16
50. Authorize Certificate of Recognition to Merced Redevelopment Agency Grand Opening of Merced Theatre, Phase I.
51. Authorize Certificate of Recognition to Gary D. O'Rear for 33 years of Fire Service to the Gustine Fire Department and the Merced County Fire Department.
52. Authorize Resolution honoring Paul Alderete for his dedicated service to the community of Los Banos.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

53. Declare the old manual farebox equipment of Merced County Transit as Surplus Property and direct disposal of equipment through a public sealed bid auction.

APPROVED AS RECOMMENDED AYES: ALL

54. Authorize Public Works to complete the Construction Documents for the Bedesen Beach Restroom Project at Lake Yosemite Park and advertise for bid opening, direct Public Works to conduct bid opening and award Contract provided the lowest responsible bid is within the revised budget, return to the Board with recommended action and approve the necessary

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

budget transfer-\$57,000. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

55. Resolution authorizing Chairman to sign Federal Apportionment Exchange and State Match Program Agreement (No. X07-5939(062)) with California Dept. of Transportation to exchange Federal Funds with Non-Federal State Highway Account Funds.

ADOPTED RESOLUTION NO. 2007-86 AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2007133 AS RECOMMENDED AYES: ALL

56. Approve plans and specifications for New Mental Health Wellness Center and authorize Public Works to conduct bid opening and return to the Board with bid results and recommendation.

APPROVED AS RECOMMENDED AYES: ALL

57. Approve completed Construction documents for New Court Building - Relocation of two Relocatable Court Buildings, authorize public bidding and direct Public Works to return to the Board with bid results and recommendation.

APPROVED AS RECOMMENDED AYES: ALL

COUNSEL

58. Contract with Allen, Proietti & Fagalde LLC to provide professional legal services in the matter of Byrd v. Teater in United States District Court.

AUTHORIZED CONTRACT NO. 2007152 AS RECOMMENDED AYES: ALL

59. Authorize the Clerk to issue Memorandum or Notice of Non-Authorization, pursuant to Government Code Section 53853(b) and serve notice to the relevant Districts (Ballico-Cressey Elementary, Hilmar Unified, Le Grand Union High, Los Banos Unified, Weaver Union Elementary and Merced River Union Elementary School Districts) that the Board of Supervisors will not authorize issuance of Tax and Revenue Anticipation Notes (TRANS) within 45 calendar days, thereby freeing the Districts to issue the TRANS on their own respective behalves.

APPROVED AS RECOMMENDED AYES: ALL

FIRE

60. Accept the donation of the 3 Thermal Imaging Cameras from the Merced, McKee and Cressey Volunteer Fire Companies to the Merced County Fire Department; direct the Auditor to issue property numbers and record the cameras as County Inventory and authorize the County Fire Department to upkeep and maintain said units.

APPROVED AS RECOMMENDED AYES: ALL

61. Authorize purchase of one Replacement Command Vehicle and approve budget transfer in the amount of \$29,213. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

62. Contract with First 5 Merced County for Healthy Baby/Healthy Me: Teen Baby Nutrition Fitness Summit.

AUTHORIZED CONTRACT NO. 2007153 AS RECOMMENDED AYES: ALL

DEPT. OF ADMIN. SERVICES

63. Approve Recommendations from the Evaluation Committee for the Domestic Violence Services and authorize negotiation of contract to be returned to the Board for final approval.

REVIEW BOARD ORDER – SEE PAGE 17

TAX COLLECTOR

64. Adopt Resolution directing the Tax Collector not to accept partial payments of Secured Property Taxes in accordance with Revenue and Tax Code Chapter 2, Section 2601-2636 and Chapter 2.1, Section 2700-2708.

ADOPTED RESOLUTION NO. 2007-87 AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

65. Contract with Jocelyn E. Roland for pre-employment/fitness for Duty Psychological Examinations.

AUTHORIZED CONTRACT NO. 2007154 AS RECOMMENDED AYES: ALL

66. Authorize personnel actions as a result of requests which are supported by revenue, offset by departmental subventions, changes in flex-staffing positions, changes as a result of union negotiations and changes in industry criteria or to clarify departmental functions in the following departments: District Attorney-BU 20400 and BU 20409; Probation-BU 23406; Ag. Commissioner-BU 27200 and 27000; Environmental Health-BU 40016; Dept. of Workforce Investment-BU 55000; Public Works-BU 70000 and adopt amendments to Resolutions to the Salary and Position Allocation, Human Resources Rules and Regulations, and Recruitment and Selection.

REVIEW BOARD ORDER – SEE PAGES 17 AND 18

PLANNING

67. Contract with Self-Help Enterprises for the Implementation and administration of the 2006 HOME Grant and Program Loans (No. 06-HOME-2470) and approve necessary budget transfer-\$400,000. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2007143 AS RECOMMENDED AYES: ALL

68. Review and consider the Guidance Package for the Turlock Golf Club Development Project General Plan Amendment and EIR and determine whether to adopt the Guidance Package and process the proposed Turlock Golf Club Development Project and EIR.

REVIEW BOARD ORDER – SEE PAGES 18, 19 AND 20

69. Contract with Jaxon Enterprises for EIR Consultant and Staff Services Contract for reimbursement of costs related to consultant and administration costs in connection with CUP99-099 and approve the necessary budget transfer. (4/5 Vote Required)

REVIEW BOARD ORDER – SEE PAGE 20

70. Contract with Resource Design Technology, Inc. for consultant services and preparation of a revised Environmental Impact Report to address the areas identified in connection with April 10, 2007 decision by the Fifth Appellate District to reverse the Trial Court's Judgment upholding the Environmental Impact Report prepared for the Le Grand Mine Expansion Project, Jaxon Enterprises, Inc (CUP99-099).

AUTHORIZED CONTRACT NO. 2007145 AS RECOMMENDED AYES: ALL

71. Contract with Santa Fe Aggregates for EIR consultant and staff services and approve the necessary budget transfer-\$280,632. (4/5 Vote Required)
AUTHORIZED CONTRACT NO. 2007146 AS RECOMMENDED AYES: ALL
72. Contract with Resource Design Technology, Inc. for Consultant Services to prepare an EIR and process permit in connection for Santa Fe Aggregates (CUP06-011).
AUTHORIZED CONTRACT NO. 2007147 AS RECOMMENDED AYES: ALL
73. Set Joint Study Session with Board of Supervisors and Planning Commission for June 26, 2007 at 1:30 p.m. for General Plan Update.
APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

74. Authorize Special Board Project Funds-District Four expenditure in the amount of \$1,600 to be forwarded to the Winton CLEO to assist with public safety program costs in Winton and approve the necessary budget transfer.
APPROVED AS RECOMMENDED AYES: ALL
75. Resolution renaming the Los Banos Judicial Center to Robert M. Falasco Justice Center located at 445 I Street, Los Banos, CA.
ADOPTED RESOLUTION NO. 2007-88 AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

76. Transfer responsibility for Court Facility Services for Iris Garrett Juvenile Justice Facility county property located at 2840 W. Sandy Mush Road, Merced (Court Facility #24-E1) to the State, subject to final review of Executive Office and Counsel; authorize Contracts with the Judicial Council of California, Admin. Office of the Courts and authorize the Auditor to make payments to the State as specified with any necessary budget adjustments and authorize Executive Office to complete administrative tasks needed to complete the transfer.
AUTHORIZED CONTRACT NOS. 2007134-MEMORANDUM OF UNDERSTANDING, 2007135-JOINT OCCUPANCY AGREEMENT (2) AND 2007136-TRANSFER OF RESPONSIBILITY AS RECOMMENDED AYES: ALL
77. Transfer of responsibility of the Los Banos Justice Facility Center county property located at 445 I Street, Los Banos (Court Facility #24-D1) to the State, subject to final review of Executive Office and Counsel; authorize Contract with the Judicial Council of California, Admin. Office of the Courts and authorize the Auditor to make payments to the State as specified with any necessary budget adjustments and authorize Executive Office to complete administrative tasks needed to complete the transfer.
AUTHORIZED CONTRACT NOS. 2007137-MEMORANDUM OF UNDERSTANDING, 2007138-JOINT OCCUPANCY AGREEMENT (2) AND 2007139-TRANSFER OF RESPONSIBILITY AS RECOMMENDED AYES: ALL
78. Contract with Judicial Council of California, The Administrative Office of the Courts for Courtroom 4 located at 700 West 22nd Street, Merced.
AUTHORIZED CONTRACT NO. 2007140 AS RECOMMENDED AYES: ALL
79. Contract with Judicial Council of California, The Administrative Office of the Courts for lease of a portion of the Adobe Building located at 670 West 22nd Street, Merced until the Old Superior Court Building restoration is complete, with the State reimbursing the County for

the costs of maintaining the courtroom.

AUTHORIZED CONTRACT NO. 2007141 AS RECOMMENDED AYES: ALL

80. Contract with Judicial Council of California, The Administrative Office of the Courts for lease of Courtroom 5 Modular located at 660 West 22nd Street, Merced until the Old Superior Court restoration is complete with the State reimbursing the County for the costs of operating and maintaining the courtroom.

AUTHORIZED CONTRACT NO. 2007142 AS RECOMMENDED AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

81. Appoint Stefani Martinez to serve as a member of the WIB Youth Council.

APPROVED AS RECOMMENDED AYES: ALL

82. Appoint Claudia Corchado to serve as a member of the WIB Youth Council.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

83. Merced County Employees Retirement Board – Appointed David Ness to serve as a member to fill an unexpired term until July 1, 2009.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

84. Health re: Household Hazardous Waste Coordination Grant Application in the amount of \$7,000 withdrawal due to Household Hazardous Waste Infrastructure Grant Application in the amount of \$210,000 not being awarded and therefore Contract No. 2006128 and Contract No. 2006130 on May 16, 2006 are no longer valid contracts.
85. Human Services Agency re: Structured Decision Making (SDM) Temporary Assistance to Needy Families (TANF) Prevention Services Project Study.
86. Dept. of Workforce Investment re: 2006/2007 WIA Subgrant Agreement R760332, Modification 5 funding increase by \$55,000 with the State Employment Development Department.
87. Dept. of Workforce Investment re: 2006-2007 WIA Subgrant Agreement R760332, Modification 6 funding increase by \$12,005, with the State Employment Development Department.
88. Dept. of Workforce Investment re: 2007/2008 WIA Subgrant Agreement R865468 with the State Employment Development Department.
89. Auditor-Controller re: Refund on Property Taxes.
90. San Joaquin Valley Air Pollution Control District re: Plan Adoption Advisory for 2007 Ozone Plan. (On file with Clerk)
91. Governor's Office of Emergency Services re: Notification of U.S. Dept. of Agriculture (USDA) granted a Secretarial disaster designation for the primary County of San Benito and the contiguous Counties of Fresno, Merced, Monterey, Santa Clara, and Santa Cruz due to

agriculture losses caused by extremely low temperatures and freezing conditions that began January 12, 2007 through January 24, 2007.

92. Governor's Office of Emergency Services re: Notification of U.S. Dept. of Agriculture (USDA) granted a Secretarial disaster designation for the primary Counties of Contra Costa, Fresno and the contiguous Counties of Alameda, Inyo, Kings, Madera, Merced, Mono, Monterey, Sacramento, San Benito, San Joaquin, Solano, Tulare due to agriculture losses caused by the combined effects of drought, higher than normal temperatures and prolonged freezing conditions that began October 15, 2006 and continuing.
93. Governor's Office of Emergency Services re: Notification of U.S. Dept. of Agriculture (USDA) granted a Secretarial disaster designation for the primary Counties of Kern, Kings, Lake, Mariposa, San Luis Obispo, Santa Barbara and the contiguous Counties of Colusa, Fresno, Glenn, Inyo, Los Angeles, Madera, Mendocino, Merced, Monterey, Napa, San Bernardino, Sonoma, Stanislaus, Tulare, Tuolumne, Ventura and Yolo due to agriculture losses caused by drought that began October 15, 2006 and continuing.
94. Governor's Office of Emergency Services re: Notification of U.S. Dept. of Agriculture (USDA) granting a disaster designation for the primary Counties of Contra Costa and Fresno and contiguous Counties of Alameda, Inyo, Kings, Madera, Merced, Mono, Monterey, Sacramento, San Benito, San Joaquin, Solano, and Tulare due to agricultural losses caused by the combined effects of drought, higher than normal temperatures, and prolonged freezing conditions that began October 15, 2006, and continuing.
95. Governor's Office of Emergency Services re: Notification of U.S. Dept. of Agriculture (USDA) granting a Secretarial disaster designation for the primary Counties of Merced, Stanislaus, Tulare and the contiguous Counties of Alameda, Calaveras, Fresno, Inyo, Kern, Kings, Madera, Mariposa, San Benito, San Joaquin, Santa Clara, and Tuolumne due to agriculture losses caused by the combined effects of drought and abnormally cold temperatures that began October 15, 2006, and continuing.
96. Governor's Office of Emergency Services re: Notification of U.S. Dept. of Agriculture (USDA) granting a Secretarial disaster designation for the primary County of San Benito and the contiguous Counties of Fresno, Merced, Monterey, Santa Clara, and Santa Cruz due to agriculture losses caused by extremely low temperatures and freezing conditions that began January 12, 2007, through January 24, 2007.
97. Governor's Office of Emergency Services re: Notification of U.S. Dept. of Agriculture (USDA) granting a Secretarial disaster designation for the primary Counties of Kern, Kings, Lake, Mariposa, San Luis Obispo, Santa Barbara and the contiguous Counties of Colusa, Fresno, Glenn, Inyo, Los Angeles, Madera, Mendocino, Merced, Monterey, Napa, San Bernardino, Sonoma, Stanislaus, Tulare, Tuolumne, Ventura, and Yolo due to agriculture losses caused by drought that began October 15, 2006, and continuing.
98. Governor's Office of Emergency Services re: Authorization of U.S. Dept. of Agriculture Farm Service Agency Emergency loans for physical and production losses and notification that farmers and ranchers that incurred damages as a result of the January Freeze in the primary counties of Kings, Madera, Merced, Stanislaus and the contiguous counties of Alameda, Calaveras, Fresno, Kern, Mariposa, Mono, Monterey, San Benito, San Joaquin, San Luis Obispo, Santa Clara, Tulare, and Tuolumne are eligible to apply.

99. State Water Resources Control Board re: Notice of Public Workshop - Workshop to receive information regarding policy direction on water quality enforcement set for June 28, 2007.
100. State Water Resources Control Board re: Notice of Public Hearing on July 30, 2007- Exception to the California Ocean Plan Bodega Marine Laboratory.

ADOPTED RESOLUTION IN MEMORY OF JAMES PARSON AND ADJOURNED MEETING UNTIL TUESDAY, JUNE 26, 2007 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JUNE 19, 2007

10:00 A.M. SCHEDULED ITEM
2007-06-19 PUBLIC OPPORTUNITY

Merced County Rescue Mission Executive Director Dr. Herb Opalek introduces Gene Michaely of Tel Aviv, Israel who will be starting a Rescue Mission in Israel. Executive Director of Rescue Israel Reverend George Wehnes states he is proud of the rescue mission efforts in Tel Aviv.

Merced County Chamber of Commerce Executive Director Julius Pekar submits documentation on behalf of the Merced County Chamber of Commerce Land Bank Committee regarding the participation and progress of the Merced County General Plan Update process and reads a statement from Tapan Munroe, PhD.

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

10:00 A.M. SCHEDULED ITEM
2007-06-19 COUNTY COUNSEL – PROPOSED ORDINANCE

The time and date previously set to consider First Reading of the Proposed Ordinance entitled An Ordinance to Reflect Merced County Boundary Change in accordance with action taken on June 5, 2007 that would increase 6.52 additional square miles of unincorporated Fresno County adjacent to the Dos Palos community into Merced County submitted by County Counsel.

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board waives further reading of the Proposed Ordinance and sets second reading and possible adoption for June 26, 2007, at 10:00 a.m.

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

10:00 A.M. SCHEDULED ITEM
2007-06-19 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a public hearing to consider proposed Resolution authorizing the Merced County Regional Waste Management Authority to issue Solid Waste Revenue Bonds, Series 2007 in an amount not to exceed \$42,000,000 submitted by Public Works.

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

Public Works Deputy Director-Solid Waste Division Scott Johnston states the proposed issuance of bonds is targeted for Solid Waste Capital Improvement Projects and a Finding must be made there are significant public benefits to the county as a result of the assistance from the Authority.

The Chairman closes the public hearing.

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board makes the finding that the projects being financed, Highway 59 and Billy Wright Landfills, will have significant public benefit to the County, authorizes the Merced County Regional Waste Management Authority to issue Solid Waste Revenue Bonds, Series 2007, in an amount not to exceed \$42,000,000 and adopts Resolution No. 2007-75.

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

10:00 A.M. SCHEDULED ITEM
2007-06-19 SHERIFF - PUBLIC HEARING

The time and date previously set for a public hearing to consider establishing the 2007/2008 Criminal Justice Administrative Fee (Booking Fee) submitted by the Sheriff.

Sheriff Mark Pazin reviews the Staff Report and states staff has worked with the Auditor to calculate the proposed fees for Fiscal Year 2007/2008.

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

The Chairman closes the public hearing.

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board adopts the Criminal Justice Administrative Fee (Booking Fee) at \$48.59 for Fiscal Year 2007/2008 per Government Code Section 29550(a)(1) for Merced County Bookings.

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

1:30 P.M. SCHEDULED ITEM
2007-06-19 EXECUTIVE OFFICE – PROPOSED BUDGET

County Executive Officer Demitrios Tatum reviews the Staff Report, provides an overview and powerpoint presentation of the FY 2007/2008 Proposed Budget Recommendations.

Assistant County Executive Officer Jim Brown reviews the Budget Summary.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board takes the following actions relative to the FY 2007/2008 Proposed Budget:

1. Adopt the Proposed Budget for FY 2007/2008 as an Operating Budget until the Board adopts a Final Budget.
2. Direct that no expenditures be made for any item requiring policy direction, as listed in the Proposed budget, without specific Board authorization.
3. Request that the Clerk of the Board make available copies of the FY 2007/2008 Proposed Budget to all interested people and advertise the Final Budget Hearings to commence on August 21, 2007, at 1:30 .m.
4. Schedule the Public Hearing on Proposition 4 Appropriation Limit on August 21, 2007, at 1:30 p.m.

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

CONSENT ITEM NO. 38

2007-06-19 BOARD OF SUPERVISORS

The Board authorizes Certificates of Recognition to the American Legion Merced Post #83 Awards as Law Enforcement Officers of the Year: Deputy Jeff Coburn-Merced Sheriff Operations, Corrections Officer Nicole Wagner-Merced Sheriff Corrections, Corporal Hector Becerra-Livingston Police Department, Officer Joe Deliman-Merced Police Department, Corporal Bryon Elness-Gustine Police Department, Officer Darin Heredia-California Highway Patrol-Los Banos, Officer Jeremy Key-California Highway Patrol-Atwater, Detective Adolfo Lomeli-Atwater Police Department, Officer Robert Wiens-Los Banos Police Department and Officer Stephen Partridge-UC Merced Police.

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

CONSENT ITEM NO. 49

2007-06-19 BOARD OF SUPERVISORS

Upon motion of Supervisor Nelson, seconded by Supervisor Crookham, duly carried, the Board authorizes Certificates of Recognition to the Central Valley Opportunity Center recognition awards as follows: Ofelia S. Reynoso-Outstanding Manager Award, Lupe Grimaldo-Outstanding Employee Award-Client Services, Dorothy Dunbar-Outstanding Employee Award-General Services, Jose Adan Jimenez-Outstanding CVOC Alumni, Baltimore AirCoil-Outstanding Employer Award, Modesto Irrigation District-Community Services Award, Pacific Gas & Electric Company, San Francisco Office-Outstanding Business Partner Award; Madera County High Schools: Audrey Guzman Berdejo-Ripperdan, David Gomez and Juan Santiago-Madera and Mayra Cosio-Mountain Vista; Merced County High Schools: Edgar Vargas-Atwater, Marieli Negrete-Buhach Colony, Felipe Garcia and Amina Xiong-Golden Valley, Rodolfo Lopez, Jr.-Gustine and Mayra Gomez-Golden Valley and Stanislaus County High Schools: Maria Lopez-Modesto, Mary Contreras-Downey, Eliseo Barajas-Patterson, Adriana Infante-Modesto and Erica Diaz-Grace Davis.

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

ACTION ITEM NO. 63

2007-06-19 DEPT. OF ADMINISTRATIVE SERVICES

The Clerk announces recommendations from the Evaluation Committee for the Domestic Violence Services is before the Board for consideration.

County Executive Officer Demitrios Tatum reviews the staff report and the process of the Request for Proposal.

Department of Administrative Services Director Paul Clanton reviews the powerpoint presentation.

A Woman's Place Executive Director Diana Almanzo states there are significant differences between anger management and battered treatment programs and A Woman's Place does not provide anger management classes.

Barbara Fields (Atwater) requests the Board postpone the matter to look at irregularities in the RFP process.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board approves the recommendation of the Evaluation Committee and authorizes Human Services Agency in conjunction with Counsel to negotiate contract(s) with A Woman's Place and Total Self Insight, Inc. and return to the Board for final approval.

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

ACTION ITEM NO. 66

2007-06-19 HUMAN RESOURCES

The Clerk announces the Recommended County-Wide Personnel Modifications by Human Resources are before the Board for consideration.

Human Resources Director Robert Morris reviews the Staff Report and recommendations.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board approves the recommended Human Resources Countywide Personnel Modifications as follows:

1. District Attorney – BU 20400: Change one Staff Services Analyst I/II (Pos 60), Range 63.0/67.4, to Staff Fiscal Analyst (Pos 60), Range 67.4.

2. District Attorney-BU 20409: Change one District Attorney Investigator I/II, Range 66.6/69.2, from BU 20409 to BU 20400.

3. Probation– BU 23406: Change one Deputy Probation Officer I/II/III (Pos 83), Range 62.3/64.3/67.3 from -0- County Cost to \$65,109 County Cost.

4. Ag Weights and Measures-BU 27200: Change one Weights and Measures Inspector I/II/III (Pos 1), Range 60.3/62.3/65.3, to Agricultural Biologist I/II/III, Range 60.3/62.3/65.3.

5. Environmental Health-BU 40016: Change Environmental Health Specialist I/II/III, Range 65.2/67.2/70.3 to Environmental Health Specialist I/II/III, Range 65.6/67.6/70.7.

6. Department of Workforce Investment-BU 55000: Change one Assessment Technician III (Pos 38), Range 59.1, to Assessment Technician I/II, Pos 38), Range 55.1/57.1.

7. Department of Public Works-Recreation Division-BU 70000: Change County Museum Director, Range 64.1, to Range 66.1.

8. District Attorney-BU 20400: Allocate Extra Help Law Student, \$15.00/hr; and adopts Resolution Nos. 2007-89 (Special Compensations), 2007-90 (Recruitment), 2007-91 (Rules and Regulations), 2007-92 (Position Allocation-Supercedes Res. No. 91-209A) and 2007-93 (Salary).

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

ACTION ITEM NO. 68

2007-06-19 PLANNING

The Clerk announces the Guidance Package for the Turlock Golf Club Development Project General Plan Amendment and EIR is before the Board for consideration.

Development Services Director Robert Lewis states the proposed Guidance Package is to create a Specific Urban Development Plan and JKB Homes is offering to fund the proposal.

Planner Bob King reviews the Staff Report and powerpoint presentation advising Public Works has indicated this project may be premature until the location of the Highway 165 realignment has been determined. The Hilmar Municipal Advisory Council reviewed and denied recommendations with a 3 – 2 vote stating the project is premature and the Delhi Municipal Advisory Council was a 2 – 2 vote stating concern with farmland and groundwater.

James Brenda, President of JKB Homes, states the Guidance Package was submitted about a year ago and he and JKB Homes representatives have met with many groups, business leaders, Municipal Advisory Councils and County staff and believes the proposal offers many benefits for Merced County and merits further study.

John Anderson, Principal Land Use Planner for JKB Homes, reviews a powerpoint presentation.

The following speak in support of the Guidance Package for Turlock Golf Club Development Project: JKB Homes Representative and Developer Mike Warda submits a letter from the UC Chancellor and refers to other letters of support from various individuals and organizations; CSU–Stanislaus President Dr. Hamid Shirvani; Dan Sousa, resident by Turlock Golf Course; Laverne Caldera, local real estate broker and farmer; Bruce Porter, retired Vice President of Foster Farms summarizes a letter from Don Jackson; Howard Hartvickson, (Hilmar); Derwood Tell, (Hilmar); Jerry Morrison (Hilmar); Janice Veek (Hilmar); Bill Davis; Turlock Golf and Country Club General Manager Michael Blevins and Gary Conte, Principal Planner in the project.

The following speak in opposition of the Guidance Package for Turlock Golf Club Development Project: Valley Land Alliance representative Maureen McCorry reads a statement in opposition and a letter dated September 25, 2006 to Chairman Mike Nelson regarding Williamson

Act cancellations; Merced County Farm Bureau President Louie Bandoni submits a statement in opposition stating this area is productive farmland and in Williamson Act Preserve; Jean Okuye, (Livingston); Ray Rody, retired banker; Mary Furey (Planada); Karen Wysak (Hilmar); Hilmar Grange representative Norman Bettencourt and appearing as an individual, submits a petition in opposition from the Hilmar Grange; Merced County Farm Bureau member Les McCabe representing the Land Use Committee and Merced Alliance for Responsible Growth representative Tom Grave.

The Chairman closes the public comment period.

Supervisor Kelsey states there are several projects occurring in the Hilmar area, including the Countywide General Plan Update that could affect this proposed project and suggests it may be advantageous to wait until the current projects have been completed before going forward with the proposed Guidance Package. She states she has received a petition of 550 signatures from individuals in District Four in opposition to the proposed project. The Hilmar Municipal Advisory Council is against the project because it is a large project and the timing is not right and the Delhi Municipal Advisory Council made a motion to look at this project in another ten years but that motion failed. Supervisor Kelsey states she feels the Board should defer this project until the General Plan has been updated.

Following discussion, Supervisor Kelsey moves the Board deny, without prejudice, the application for the Guidance Package for the Turlock Golf Club Development Project.

The motion fails for the lack of a second.

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

Supervisor Kelsey moves the Board defer the application for the Guidance Package for the Turlock Golf Club Development Project until completion of studies of Highway 165 bypass.

The motion fails for the lack of a second.

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

Following further discussion, Supervisor O'Banion moves, seconded by Supervisor Nelson, the Board approve the Guidance Package for the Turlock Golf Club Development Project with the understanding the developer acknowledge every effort will be made to work closely with the Project Study Report (PSR) for Highway 165 and to work closely with the County in regard with General Plan Update.

Supervisor Nelson states the developer needs to understand the General Plan is being updated and the project, if approved, will have to comply with the updated General Plan, not the current General Plan.

The Chairman asks the developer if he agrees with the stipulations identified in the motion.

Developer Mike Warda agrees to work with the PSR group and General Plan Update staff.

Supervisor Kelsey requests the Motion be Amended to include the applicant work closely with both the Delhi and Hilmar Municipal Advisory Councils.

Supervisor O'Banion agrees to amend the motion to include the stipulation as suggested by Supervisor Kelsey for the applicant to work closely with both the Delhi and Hilmar Municipal Advisory Councils.

The Chairman calls for a Vote on the Amended Motion.

Supervisor Kelsey and Pedrozo vote "no". Motion carries.

Ayes: Crookham, Nelson, O'Banion

Noes: Pedrozo, Kelsey

Subsequently, the Clerk received the following correspondence:

1. Letter dated June 15, 2007 to Supervisor Kelsey from Mark & Cathy Ferriera
2. Letter dated June 27, 2007 to Senator Denham from Jean Okuye

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

ACTION ITEM NO. 69

2007-06-19 PLANNING

The Clerk announces the Contract with Jaxon Enterprises for EIR Consultant and Staff Services for reimbursement of costs related to consultant and administration costs in connection with Conditional Use Permit, CUP99-099 is before the Board for consideration.

Supervisor Nelson questions whether the Le Grand Road improvements and payment of impact fee conditions have been met and Supervisor Kelsey requests information on the fees.

Assistant Planning Director Bill Nicholson advises the agreement was drafted but not signed and the Conditional Use Permit was rejected because of the Court ruling in this matter; therefore, those two conditions have not been satisfied. Staff now has the ability to recommend new conditions and mitigation measures and will strengthen the condition for road improvements. Mr. Nicholson states there is an annual fee per truck load but because of poor conditions of Le Grand Road there was a special condition to overlay the road and contribution for a share of interchange of Highway 99 which were above the annual truck load fee. All annual fees are current.

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2007144 with Jaxon Enterprises Inc. for reimbursement of costs related to consultant and County administrative costs relative to the Le Grand Mine Expansion-Conditional Use Permit No. 99-009 and approves the budget transfer in the amount of \$120,066.

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