



SUMMARY ACTION MINUTES BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, JUNE 26, 2007
Closed Session – 8:30 a.m.
Regular Meeting – 10:00 a.m.

MERCED COUNTY
ADMINISTRATION BUILDING
2222 "M" STREET
BOARD ROOM, THIRD FLOOR
MERCED, CALIFORNIA 95340
(209) 385-7366

CHAIRMAN JOHN PEDROZO.....DISTRICT 1
KATHLEEN M. CROOKHAM....DISTRICT 2
MICHAEL G. NELSON.....DISTRICT 3
DEIDRE F. KELSEY....DISTRICT 4
JERRY O'BANION.....DISTRICT 5
Lydia A. Beiswanger, Chief Clerk

DEMITRIOS O. TATUM
COUNTY EXECUTIVE OFFICER

JAMES N. FINCHER
COUNTY COUNSEL

*All supporting documentation is available for public review in the Office of the Clerk of the Board of Supervisors located in the County Administration Building, Third Floor, 2222 "M" Street, Merced, California, 95340
During regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday.*

The Agenda is available online at www.co.merced.ca.us

Members of the public are advised that all pagers, cellular telephones and any other communication devices are to be turned off upon entering the Board Chambers

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE
INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE

Persons who require accommodation for any audio, visual or other disability in order to review an agenda, or to participate in a meeting of the Board of Supervisors per the American Disabilities Act (ADA), may obtain assistance by requesting such accommodation in writing addressed to the Clerk of the Board, 2222 M Street, Merced, CA 95340 or telephonically by calling (209) 385-7366. Any such request for accommodation should be made at least 48 hours prior to the scheduled meeting for which assistance is requested

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

The Agenda is divided into three sections:

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

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

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

SCHEDULED ITEMS

8:30 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: 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; Non-Safety Corrections, Unit 12 and Unrepresented Management (Unit 20)

THE BOARD RECESSED AT 8:30 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 10

PRESENTATION - Demographic Overview, Merced County - Douglas C. Robinson

REVIEW BOARD ORDER – SEE PAGE 10

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Spring Fair-\$145,749; Assessor-\$70,000 and Auditor-\$12,500

APPROVED AS RECOMMENDED AYES: ALL

10:00 A. M.

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 37)

APPROVED AS RECOMMENDED AYES: ALL

COUNTY COUNSEL - PROPOSED ORDINANCE - SECOND READING AND POSSIBLE ADOPTION

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 10

PLANNING - PUBLIC HEARING

To consider Appeal of Planning Commission Denial of Minor Subdivision Application No. MS07-013 submitted by Meena Farms to divide 45 acres into two 22.5 acre parcels on property located on the southwest corner of Highway 33 and Bunker Road in the Gustine area

REVIEW BOARD ORDER – SEE PAGES 11 AND 12

PLANNING - PUBLIC HEARING

To consider Appeal of Planning Commission denial of Minor Subdivision Application No. 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 the Gustine area

REVIEW BOARD ORDER – SEE PAGES 12 AND 13

PLANNING - PUBLIC HEARING

To consider 2007 Cycle II General Plan Amendment and Zone Change Ordinance

General Plan Amendment No. GPA06-003, Zone Change Application No. ZC06-003 and Major Subdivision No. MAS06-008 - Winn Ranch, Winton Willows LCC (May 1, 2007)

REVIEW BOARD ORDER – SEE PAGE 14

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

1:30 P. M.

JOINT STUDY SESSION

BOARD OF SUPERVISORS AND PLANNING COMMISSION - Merced County General Plan Update

REVIEW BOARD ORDER – SEES PAGES 14 AND 15

CONSENT CALENDAR (Items #1 - 37)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve and authorize Chairman to sign Amendment to Contract No. 2003152 with Hilmar Swim Club for maintenance and operation of Hilmar Swimming Pool. (4/5 Vote Required)
2. Adopt Resolution forming the Sorrento Lighting, Drainage, Sewage and Landscaping Maintenance Zone of Benefit No. 337 in County Service Area Number One.
ADOPTED RESOLUTION NO. 2007-95
3. Approve and authorize Chairman to sign Amendment to Contract No. 2001218 with Health Metrics, Inc. for Audiometric Testing for employees.

Mental Health

4. Approve and authorize Chairman to sign Renewal Contract No. 2003237 with Merced City School District for Mental Health services at school sites.
5. Approve and authorize Chairman to sign Renewal Contract No. 2004059 with Los Banos Drug for pharmacy services to clients.
6. Approve and authorize Chairman to sign Renewal Contract No. 2005089 with Aegis Medical Systems, Inc. for Drug Medi-Cal Outpatient Narcotic Treatment Program.
7. Set public hearing for July 17, 2007 at 10:00 a.m. to consider Proposed Ordinance amending Mental Health Services Fees for 2007-2008.

Health

8. Approve and authorize Chairman to sign Renewal Contract No. 2004185 with Central Self Storage for records and equipment.

Ag. Commissioner

9. Approve and authorize Chairman to sign Renewal Contract No. 2004082 with Calif. Dept. of Food and Ag. for Organic Producer Registration and Inspection services.
ADOPTED RESOLUTION NO. 2007-96
10. Approve and authorize Chairman to sign Renewal Contract No. 2004107 with Calif. Cantaloupe Advisory Board for Anti-Theft Inspection Services.
ADOPTED RESOLUTION NO. 2007-97
11. Approve and authorize Chairman to sign Renewal Contract No. 2004260 with Calif. Dept. of Food and Agriculture for Egg Quality Control Inspections.
ADOPTED RESOLUTION NO. 2007-98

Dept. of Workforce Investment

12. Approve and authorize Chairman to sign Contract No. 2007158 with Merced County Office of Education for Workforce Investment Act In-School Youth Program.
13. Approve and authorize Chairman to sign Contract No. 2007159 with Merced County Office of Education for Workforce Investment Act Out-of-School Youth Program.

Human Services Agency

14. Approve and authorize Chairman to sign Renewal Contract No. 2004250 with Shasta County Probation Department for up to 2 beds as needed at the Crystal Creek Juvenile Camp Facility.
15. Approve and authorize Chairman to sign Renewal Contract No. 2007048 with Mental Health for mental health counseling.
16. Approve and authorize Chairman to sign Renewal Contract No. 2006159 with Governor's Office of Emergency Services for CHAT (Child Abuse Treatment Program) Funding Grant signing.
17. Approve and authorize Chairman to sign Renewal Contract No. 2004398 with Central Calif. Legal Services, Inc. for Senior Legal Assistance Program.
18. Approve and authorize Chairman to sign Renewal Contract No. 2005235 with Merced County Food Bank for Brown Bag services.
19. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2004211 with California Dept. of Aging for Multipurpose Senior Services Program (MSSP).

ADOPTED RESOLUTION NO. 2007-99

Probation

20. Approve and authorize Chairman to sign Renewal Contract No. 2006021 with Corrections Standards Authority for Juvenile Probation Camp Funding Program Renewal.

District Attorney

21. Approve and authorize Chairman to sign Renewal Contract No. 2003088 with Governor's Office of Emergency Services for Anti-Drug Abuse Enforcement Program.

ADOPTED RESOLUTION NO. 2007-100

Planning

22. Set public hearing for July 24, 2007 at 10:00 a.m. to consider Annual Grantee Performance Report for the County 2005/2006/2007 Community Development Block Grant (CDBG) General Allocations for Homebuyer Assistance and Housing Rehabilitation Programs (O5-STBG-149) including Revolving Loan Account (RLA) Program Income for Business Assistance, Housing Rehabilitation and Housing Acquisition and future funding activities.

Risk Management

23. Approve and authorize Chairman to sign Renewal Contract No. 2006127 with Dwight Peace DBA: Injury Prevention Group for Ergonomics evaluations.

Executive Office

24. Approve and authorize Chairman to sign Renewal Contract No. 2003282 with Superior Court of California for court operations services and reimbursement.
25. Approve Travel Requests for Human Services Agency and Retirement as recommended by Executive Office.

Board Recognition

26. Authorize Certificates of Recognition to various individuals for being recognized for dedicated service to the Winton School District.

REVIEW BOARD ORDER – SEE PAGE 15

- 27. Authorize Certificates of Recognition to Sutara Lo, Fisher X.G. Loua, Kong Moua, Teng Moua, Valy Moua, Paul Thao, Chong Toua Xiong, Zang Her and Tou Lao for extraordinary service to the Southeast Asian Community in Merced.
- 28. Authorize Certificate of Recognition to Marcos and Estella Burrola as Grand Marshals for Planada Community Day.
- 29. Authorize Certificate of Recognition to Simplicity of Heart Counseling in celebration of Ribbon Cutting.
- 30. Authorize Certificates of Recognition to Oyuky Sandoval-Women's Opportunity, Diana Pfitzer and Lillian Mendez--Women of Distinction, June Erreca-Soroptimist of the Decades and Ann Dominguez-Making a Difference for Women as selected by the Soroptimist International of Los Banos.
- 31. Authorize Certificates of Recognition to Daniel Valencia, Yesenia Maldonado, Alejandro Flores, Fernando Penalosa and Hyun Kim for their acceptance to participate in the California State Summer School for the Arts Program.
- 32. Authorize Certificate of Recognition to Jim Erickson for tireless efforts in fundraising and development benefiting both Childhelp and California's UC System and for being responsible for making UC Merced a reality.
- 33. Authorize Certificate of Recognition to Merco Credit Union in celebration of Ribbon Cutting.
- 34. Authorize Certificates of Recognition to Janis Hendren and Cindy Hoskins for their dedicated service to the Los Banos Police Department.
- 35. Authorize Certificates of Recognition to Past President Janet Ramsey, Past Vice President Suni White, Past Treasurer Karen Adams and Past Secretary Mary Ward for their dedicated service to the Merced Business and Professional Women organization.
- 36. Authorize Certificate of Recognition to Pastor Richard Johnson for installation as Pastor of the Bethesda Apostolic Faith Church.
- 37. Authorize Certificate of Recognition to Wells Fargo Bank in celebration of New Branch Office opening.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

38. Authorize payment of \$6,705.41 to Teresa Pimental to cover costs associated with relocating into a replacement home resulting from the purchase of her home as part of the Campus Parkway Project.

APPROVED AS RECOMMENDED AYES: ALL

39. Authorization for circulation of Request for Proposal for an Environmental Consulting Firm to prepare environmental studies and prepare appropriate environmental clearance documentation for County projects, and authorize Public Works to review and rank proposals and return to the Board for final approval.

APPROVED AS RECOMMENDED AYES: ALL

40. Relieve Public Works for liability for Fixed Asset Nos. 51734 and 51735, by allowing the Auditor's office to remove the items from Public Works inventory.

APPROVED AS RECOMMENDED AYES: ALL

41. Contract with Merced County Regional Waste Management Authority for the operation and administration of the Merced County Regional Waste Management Authority's solid waste facilities.

AUTHORIZED CONTRACT NO. 2007155 AS RECOMMENDED AYES: ALL

42. Adopt Resolution increasing the Public Facility Fees for projects within the unincorporated areas of the City of Merced's Specific Urban Development Plan (SUDP).

ADOPTED RESOLUTION NO. 2007-101 AS RECOMMENDED AYES: ALL

MENTAL HEALTH

43. Contract with Probation to provide assessment and enhanced supervision of eligible Offender Treatment Program clients.

AUTHORIZED CONTRACT NO. 2007151 AS RECOMMENDED AYES: ALL

44. Contract with Aegis Medical Systems, Inc. for Drug Medi-Cal Outpatient Narcotic Treatment Program Amendment increasing the amount for FY 2006/07 and approve the necessary budget transfer-\$51,028. (4/5 Vote Required).

AUTHORIZED CONTRACT NO. 2005089 AS RECOMMENDED AYES: ALL

45. Contract No. 2006213 with State Dept. of Alcohol and Drug Programs for Drug Court Partnership Grant for Project Year Six Funds to support operation of the Drug Court Program through June 30, 2007 and approve the necessary budget transfer-\$7,433. (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2007-102 AS RECOMMENDED AYES: ALL

46. Contract with Dr. Jonathan Harry to provide Psychiatric Services.

AUTHORIZED CONTRACT NO. 2007161 AS RECOMMENDED AYES: ALL

47. Contract No. 200170 with State Dept. of Alcohol and Drug Programs for Comprehensive Drug Court Implementation Grant for Project Year Six funds and approve the necessary budget transfer-\$582. (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2007-103 AS RECOMMENDED AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

48. Contract with San Joaquin County for Northern San Joaquin Valley Manufacturing Industry Project.

AUTHORIZED CONTRACT NO. 2007160 AS RECOMMENDED AYES: ALL

COUNSEL

49. Contract with Abbott & Kinderman, LLP to provide professional legal services in litigation matters regarding the Black Diamond Project.

AUTHORIZED CONTRACT NO. 2007162 AS RECOMMENDED AYES: ALL

50. Memorandum of Understanding with City of Merced to establish procedures for the implementation of the Revenue Sharing Agreement adopted pursuant to Resolution No. 97-35.

AUTHORIZED CONTRACT NO. 2007150 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

51. Approve Grant Application for the Comprehensive Family Assessments Grant with Dept. of Administration Children & Families with final approval to be returned to the Board.

APPROVED AS RECOMMENDED AYES: ALL

52. Contract with Aspira Foster and Family Services for SB 163 Wraparound Services.

AUTHORIZED CONTRACT NO. 2007163 AS RECOMMENDED AYES: ALL

53. Approve Grant Application for Nurse Home Visitation Grant with Dept. of Administration Children & Families with final approval to be returned to the Board.

APPROVED AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

54. Contract with County Counsel for use of Building 1230 (approximately 150 square feet) for records storage.

AUTHORIZED CONTRACT NO. 2007164 AS RECOMMENDED AYES: ALL

HEALTH

55. Accept the donation of a surplus ambulance from Riggs Ambulance Service to be maintained with code three licensing and equipment to expedite the transport of said disaster supplies and for Field Treatment supplies.

APPROVED AS RECOMMENDED AYES: ALL

AG. COMMISSIONER

56. Contract with City of Gustine for services by Merced County Animal Shelter Facility.

AUTHORIZED CONTRACT NO. 2007165 AS RECOMMENDED AYES: ALL

57. Contract with City of Dos Palos for services by Merced County Animal Shelter Facility.

AUTHORIZED CONTRACT NO. 2007166 AS RECOMMENDED AYES: ALL

58. Contract with City of Atwater for services by Merced County Animal Shelter Facility.

AUTHORIZED CONTRACT NO. 2007167 AS RECOMMENDED AYES: ALL

59. Contract with City of Livingston for services by Merced County Animal Shelter Facility.

AUTHORIZED CONTRACT NO. 2007168 AS RECOMMENDED AYES: ALL

SHERIFF

60. Authorization to apply for the 2007 State Criminal Alien Assistance Program (SCAAP) through the computerized INTERNET application process.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

61. Approve amendment to Memorandums of Understanding (MOU) between Merced County and the Independent Employees of Merced County (IEMC) representing Bargaining Unit 3; approve the amendment to Memorandums of Understanding between Merced County and the Merced County Attorneys Association (MCAA) representing Bargaining Unit 7,

and approve similar salary adjustments for Unrepresented Management (Unit 20) as specified in the amendments to the Memorandum of Understanding (MOU) for IEMC and MCAA.

REVIEW BOARD ORDER – SEE PAGES 15 AND 16

EXECUTIVE OFFICE

62. Contract with Attorney David Renteria for indigent defense services.

AUTHORIZED CONTRACT NO. 2007149 AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

63. Authorize Special Board Project Funds-District Three and District Four in the amount of \$3,000 each to be forwarded to the Merced County Food Bank and approve the necessary budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

64. Authorize Special Board Project Funds-District One in the amount of \$2,500 to be forwarded to the Boys and Girls Club of Merced and approve the necessary budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

65. Delhi Municipal Advisory Council – Appointed Marvin Patton until January 3, 2011.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

66. MBK Engineers re: Merced Irrigation District Petition for Temporary Urgency change under License 11395 (Application 16185).

67. State Water Resources Control Board re: Notice of Opportunity for public comment on an Amendment to the Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) to establish a total maximum daily load (TMDL) and Implementation Plan for pathogens in the Napa River Watershed.

68. State Water Resources Control Board re: Notice of Public Hearing on July 10, 2007 at 1:30 p.m. to consider Whether to Impose Administrative Civil Liability as Proposed in Administrative Civil Liability Complaint No. SB-2007-002-OE against Mr. Louis Zamora.

69. State Water Resources Control Board re: Notice of State Water Resources Control Board Order Approving a Temporary Urgency Change Petition and a 1707 Petition for Dedication of Water for Instream use by Merced Irrigation District regarding License 11395 (Application 16186).

ADOPTED RESOLUTION IN MEMORY OF ALVIN “AL” PERRY AND ADJOURNED MEETING UNTIL TUESDAY, JULY 17, 2007 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JUNE 26, 2007

10:00 A.M. SCHEDULED ITEM
2007-06-26 PUBLIC OPPORTUNITY

Grant Wilson (Merced) states concern with not receiving a Medical Marijuana Card even though he applied for it in May. The Chairman directs Mr. Wilson to staff to resolve this issue.

Merced-Mariposa Asthma Coalition representative Melissa Kelly-Ortega asks for Board support of SB 719 which is legislation to expand the San Joaquin Valley Unified Air Pollution Control District's Governing Board from 11 members to 15 members. She requests the Board send letters of support, as individuals and as a Board, and invites the Board to attend a meeting in Sacramento to address the Government Committee and reads and submits a press release from the Governor.

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

10:00 A.M. SCHEDULED ITEM
2007-06-26 PRESENTATION

Douglas Robinson of RCM Robinson Capital Management LLC, reviews a powerpoint presentation providing a demographic overview of Merced County.

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

10:00 A.M. SCHEDULED ITEM
2007-06-26 COUNTY COUNSEL – PROPOSED ORDINANCE, POSSIBLE ADOPTION

The time and date previously set to consider Second Reading and possible adoption of 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.

The Clerk reads the Proposed Ordinance by title only: An Ordinance approving Minor County Boundary Change (Amends Ordinance No. 1660).

Upon motion of Supervisor Nelson, seconded by Supervisor O'Banion, duly carried, the Board waives further reading of the Proposed Ordinance.

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

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

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board adopts Ordinance No. 1810.

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

10:00 A.M. SCHEDULED ITEM
2007-06-26 PLANNING - PUBLIC HEARING

The time and date previously set for a public hearing to consider Appeal of Planning Commission Denial of Minor Subdivision Application No. MS07-013 submitted by Meena Farms to divide 45 acres into two 22.5 acre parcels on property located on the southwest corner of Highway 33 and Bunker Road in the Gustine area.

Development Services Director Robert Lewis reviews the staff report stating there was a 2-2 vote by Planning Commissioners and Staff is recommending the Board return this matter back to the Planning Commission so that the matter can be considered by the full membership of the Commission.

Planner Oksana Newman reviews the powerpoint presentation.

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

Diana Westmoreland-Pedrozo, Merced County Farm Bureau Executive Director, speaks in opposition and states concern with the County staff application of the "General Rule Exemption" and submits a letter dated June 26, 2007.

Maureen McCorry, Valley Land Alliance, speaks in opposition and reads a statement asking denial of the application and in the future to wait for the General Plan Update process to be finished.

Larry Bowers, Bedesen-Cardoza Engineering representing the Applicant, speaks in support stating he recommends his clients have as many parcels as possible so if necessary they can sell a portion of their land in order to continue farming the other parcels.

Melissa Kelly-Ortega, Merced Mariposa Asthma Coalition, states 80 percent of pollution comes from mobile sources.

Tom Grave, Merced Alliance for Responsible Growth, speaks in opposition and suggests CEQA review be placed on a future Board Agenda for discussion and the matter of impacts of parcelizations of ag lands is something that should be discussed through the General Plan Update process.

Partner of Meena Farms states he wishes to continue to farm the land and approval of the Minor Subdivision Application will enable him to financially do so.

The Chairman closes the public hearing.

County Counsel James Fincher advises Planning Staff's recommendation to return the matter back to the Planning Commission due to the 2-2 vote is premature since an Appeal to the Board of Supervisors has been filed. It can only be returned to the Planning Commission if there is new evidence submitted during the Appeal hearing.

Following discussion on the General Rule Exemption, Assistant Planning Director Bill Nicholson explains the minor subdivision application environmental review process and County Counsel James Fincher states Section 15061(b)(3) provides an exemption of CEQA if the Board can make a determination that there is no probability the activity will have a significant effect on the environment.

Following discussion, Supervisor O'Banion moves, seconded by Supervisor Crookham, based on Findings the Board overturn the determination of the Planning Commission and uphold the Appeal and approve Minor Subdivision Application No. MS07-013 based upon the following conditions:

Planning and Community Development Department

1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the approval date, as required by the Subdivision Map Act and Merced County Subdivision Code.
2. The Applicant shall comply with all applicable County, State and Federal regulations.
3. A Right-to-Farm Certificate shall be recorded prior to issuance of any building permits to notify subsequent occupants of the inconveniences of farming operations and the priority to which Merced County places on such operations.

Supervisor Kelsey states concerns with categorical exemption issue and cannot support the motion.

The Chairman calls for a vote on the motion. Motion carries.

Ayes: Pedrozo, Crookham, Nelson, O'Banion

Noes: Kelsey

10:00 A.M. SCHEDULED ITEM

2007-06-26 PLANNING - PUBLIC HEARING

The time and date previously set for a public hearing to consider Appeal of Planning Commission Denial of Minor Subdivision Application No. 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 the Gustine area.

Supervisor Kelsey leaves Chambers at 11:43 a.m.

Planner Oksana Newman briefly reviews the staff report and reviews the powerpoint presentation.

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

Diana Westmoreland Pedrozo, Merced County Farm Bureau Executive Director, requests the Opposition Letter submitted during the previous public hearing for Meena Farms be incorporated and considered for this hearing. She states ag land needs to be considered under CEQA and goes over the environmental review process and requests the Board address the water, air quality and impacts on roads and existing ag operations.

Maureen McCorry, Valley Land Alliance, asks that her comments in opposition made during the previous public hearing for Meena Farms be incorporated and considered for this hearing and suggests these types of matters not be considered until the General Plan Update is completed.

Tom Grave, Merced Alliance for Responsible Growth, speaks in opposition stating concern that there is no guarantee these parcels will remain in farming and states he is opposed to routine and repetitive use of Section 15061.

Larry Bowers, Bedesen-Cardoza Engineering representing the Applicant, speaks in favor and addresses the issue of water stating there is an existing domestic well that serves the property and easements will be in place for equal access to the well.

Partner of Iyer Farms speaks in support stating the intention is to continue farming the land.

The Chairman closes the public hearing.

Supervisor Kelsey returns to the Chambers at 11:58 a.m.

Supervisor O'Banion moves, seconded by Supervisor Nelson, based on Findings the Board overturn the determination of the Planning Commission and uphold the Appeal and approve Minor Subdivision Application No. MS07-014 based upon the following conditions:

Planning and Community Development Department

1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the approval date, as required by the Subdivision Map Act and Merced County Subdivision Code.
2. The Applicant shall comply with all applicable County, State and Federal regulations.
3. A Right-to-Farm Certificate shall be recorded prior to issuance of any building permits to notify subsequent occupants of the inconveniences of farming operations and the priority to which Merced County places on such operations.

Public Works/Road Division

4. To complete the property owners half of a 60 foot ultimate right-of-way, the applicant shall dedicate to the County of Merced, notated on the Parcel Map, an additional 5 feet of right-of-way along the entire Husman Road frontage of the property.

Supervisor Kelsey states she read the Staff Report and has concern with General Rule Exemption and cannot support the motion.

The Chairman calls for a vote on the motion. Motion carries.

Ayes: Crookham, Nelson, O'Banion

Noes: Pedrozo, Kelsey

10:00 A.M. SCHEDULED ITEM

2007-06-26 PLANNING - PUBLIC HEARING – ORDINANCE NO. 1811

The time and date previously set for a public hearing to consider 2007 Cycle II General Plan Amendment for General Plan Amendment No. GPA06-003 submitted by “Winn Ranch” Winton Willows LLC and related Zone Change Application No. ZC06-003 and Minor Subdivision Application No. MSA06-008.

Development Services Director Robert Lewis states there is only one application in Cycle II and Planner Gene Barrera reviews the Powerpoint presentation.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor O’Banion, duly carried, the Board waives further reading of the proposed ordinance and approves General Plan Amendment No. GPA06-003 and related Zone Change Application No. ZC06-003 and Minor Subdivision Application No. MSA06-008 and adopts Ordinance No. 1811 and Resolution No. 2007-94.

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

1:30 P.M. SCHEDULED ITEM

2007-06-26 PLANNING - JOINT STUDY SESSION WITH PLANNING COMMISSION

The time and date previously set for a Joint Study Session with the Planning Commission concerning the Merced County General Plan Update.

Board Chairman Pedrozo calls the meeting to order.

Assistant Planning Director Bill Nicholson takes roll call for the Planning Commission:

Commissioners Present: Mobley, Lashbrook, Tanner, Sloan

Commissioners Not Present: Buendia

Development Services Director Robert Lewis introduces Larry Mintier of Mintier and Associates who is present to discuss the General Plan Update process.

Derek DiManno, Project Manager, and Jim Harnish, Guiding Principal, review the powerpoint presentation.

The Chairman asks if the Board has any questions.

Discussion is held regarding coordinating efforts with other counties, cities, unincorporated areas and special districts.

Commissioner Lashbrook asks that educational speakers be included in this process.

Mr. Harnish states it is possible to convert some of the scheduled workshops or joint study sessions into community forums and will discuss this with staff.

The Chairman asks for public comment.

Tom Grave, Merced Alliance for Responsible Growth, suggests the focus group meetings be staggered so that people can attend more than two meetings and states none of the focus group meetings have been held in the evenings.

Collette Alvarnaz (Livingston) states the focus group for Agriculture seems overwhelmed and recites a prayer for wisdom.

Jay Callahan (Winton) suggests more outreach to the Hispanic population.

Diana Westmoreland-Pedrozo, Merced County Farm Bureau Executive Director, questions if, under the General Plan Study, cumulative impacts are being considered on existing land to agriculture, air/water studies, new towns on Westside, impacts on existing ag operations from rural subdivision in unincorporated areas. She questions the County compliance with AB 32-Global Warming legislation and states disappointment that more ag issues were not under "new opportunities-biomass". She takes issue with a statement made that existing cities are the ones developing and refers to several new or expanded projects within the County and suggests the existing General Plan be provided at Focus Groups as a base line to what they are considering updating. In closing, she states the Farm Bureau is an excellent example of how to work with habitat, agriculture and community to preserve industry, environment and habitat.

The Chairman advises the Study Session was intended only to receive the presentation and provide feedback to the consultant and staff.

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

Planning Commissioners Present: Mobley, Lashbrook, Tanner, Sloan

Planning Commissioners Not Present: Buendia

CONSENT ITEM NO. 26

2007-06-26 BOARD OF SUPERVISORS

The Board authorizes Certificates of Recognition for dedicated service to the Winton School District as follows: Marie Benyei, Charlotte Freitas, Grace Cruz, Keith Torgerson, Jose Torres and Don Young -15 Years; Larry Frice-18 Years; Marcia Jones -19 Years; Mary Ann Cardoza - 21 Years; Rinaldo Gonzales - 24 years and Charles "Toby" Masterson - 30 Years.

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

ACTION ITEM NO. 61

2007-06-26 HUMAN RESOURCES

County Executive Officer Demitrios Tatum reviews the Staff Report stating the recommendation is to approve Contracts with Units 3 and 7 and would include Unrepresented Management such as Board Members, County Executive Officer, Assistant Department Heads, Analysts, Staff Analysts and other classifications.

Following discussion and upon motion of Supervisor Nelson, seconded by Supervisor O'Banion, duly carried, the Board approves and authorizes the Chairman to sign Amendment to

Memorandum of Understanding, Contract No. 207156 with Unit 3, Independent Employees of Merced County and Contract No. 2007157 with Unit 7, Merced County Attorney's Association and approves similar salary adjustments for Unrepresented Management (Unit 20) as specified in the amendments to the Memorandum of Understanding (MOU) for IEMC aand MCAA.
Ayes: Pedrozo, Crookham, Nelson, Kelsey, O'Banion