

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, AUGUST 21, 2007  
Closed Session – 9:00 a.m.  
Regular Meeting – 10:00 a.m.

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

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

DEMITRIOS O. TATUM  
COUNTY EXECUTIVE OFFICER

JAMES N. FINCHER  
COUNTY COUNSEL

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

**The Agenda is available online at [www.co.merced.ca.us](http://www.co.merced.ca.us)**

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

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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): Turnbough v. County of Merced, Case No. 147905, Merced Superior Court

**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**

**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)

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items #1 - 30)

**APPROVED AS RECOMMENDED AYES: ALL**

**REPORTS/BOARD DIRECTION**

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

1:30 P. M.

**FINAL BUDGET HEARINGS – PUBLIC HEARING**

**SEE SEPARATE AGENDA**

CONSENT CALENDAR (Items #1 - 30)

**APPROVED AS RECOMMENDED      AYES: ALL**

Public Works

1. Approve and authorize the Public Works Director to sign Amendment to Contract No. 2006183 with SCS Engineers for the Highway 59 Landfill Gas Collection and Control System.
2. Set public hearing on September 11, 2007, at 10:00 a.m. to consider Proposed Ordinance Adjusting Fees for Encroachment Permits (Amends Section 13.30.030 of the Merced County Code and Ordinance No. 1795).
3. Set public hearing on September 11, 2007, at 10:00 a.m. to consider Proposed Ordinance Adjusting all Building Permit Fees (Amends Section 16.12.090 of the Merced County Code and Amends Ordinance No. 1702).
4. Set public hearing on September 11, 2007, at 10:00 a.m. to consider Proposed Ordinance Adjusting Fees for Improvement Plan Review and Construction Inspection of Subdivision Projects and Miscellaneous Document Review and Processing (Amends Section 16.080.030.D.3 and D.4 of the Merced County Code and Ordinance No 1794).
5. Set public hearing on September 11, 2007, at 10:00 a.m. to consider Proposed Ordinance Adjusting the County Surveyors Fees (Amending Section 17.040.020 of the Merced County Code and Ordinance No. 1793).
6. Adopt Resolution Commending Steve Hinton for Outstanding Service to the County of Merced.
7. Authorize the street closures for the Raise the Roof Fundraiser at Courthouse Park on September 22, 2007 and waive the restriction on alcohol and authorize the sale of alcohol to the public subject to conditions.

**REVIEW BOARD ORDER – SEE PAGE 8**

Commerce, Aviation and Economic Development

8. Approve and authorize Chairman to sign Extension to Contract No. 2005167 with Tech Depot for the Fast Open Contracts Utilization Services (FOCUS) Program.
9. Approve and authorize Chairman to sign Renewal Contract No. 2005124 with Tangent Computer, Inc. for Fast Open Contracts Utilization Services (FOCUS) Program.

Health

10. Approve and authorize Chairman to sign Renewal Contract No. 2005114 with Stephanie Russell, R.D. for Nutrition Consultant services.
11. Approve and authorize the Chairman to sign Amendment to Contract No. 2006009 with Pacific Health Consulting Group for Healthcare Management Consulting.
12. Approve and authorize Chairman to sign Renewal Contract No. 2005193 with The California Endowment and The California Health Care Foundation extending the term of the contract for the Medi-Cal Managed Care Expansion Planning.
13. Set public hearing for September 11, 2007 at 10:00 a.m. to consider Proposed Ordinance regarding Fees for Services provided by the Health Department (Amends Ordinance No. 1797).

14. PULLED

Probation

15. Approve and authorize Chairman to sign Renewal Contract No. 2005098 with Merced County Mental Health Department for Alcohol and Drug Counselor services.

Sheriff

16. Approve and authorize Chairman to sign Renewal Contract No. 2004210 with Merced Irrigation District (MID) for patrol of MID canals.

Human Services Agency

17. Approve and authorize the Chairman to sign Interdepartmental Amendment to Contract No. 2007048 with Mental Health for counseling services revising the Work Statement and Measurable Outcome.

Planning

18. Set public hearing for September 11, 2007, at 10:00 a.m. to consider a resolution revising Development Review Fees.

Treasurer-Tax Collector

19. Accept the Quarterly Investment Report for the Period Ending June 30, 2007.

Ag. Commissioner

20. Approve and authorize Chairman to sign Renewal Contract No. 2000138 with Calif. Dept. of Food and Agriculture for Pest Detection Inspections and adopt Resolution.

**ADOPTED RESOLUTION NO. 2007-122 AS RECOMMENDED AYES: ALL**

21. Approve and authorize Chairman to sign Renewal Contract No. 2002112 with Calif. Dept. of Food and Agriculture for Red Imported Fire Ant Survey and adopt Resolution.

**ADOPTED RESOLUTION NO. 2007-123 AS RECOMMENDED AYES: ALL**

Mental Health

22. Approve and authorize Chairman to sign Amendment to Contract No. 2004110 with State Dept. of Alcohol and Drug Programs for Negotiated Net Amount and Drug Medi-Cal Contract and adopt Resolution.

**ADOPTED RESOLUTION NO. 2007-124 AS RECOMMENDED AYES: ALL**

23. Proclaim the month of September, 2007 as "Alcohol and Drug Addiction Recovery Month" in Merced County.

Board Recognition

24. Authorize Certificate of Recognition to the UPS Store for Ribbon Cutting.
25. Authorize Certificate of Recognition to Joe and Pat Calzadillas in recognition of their 50th Wedding Anniversary.
26. Authorize Certificate of Recognition to Courtyard by Marriott in celebration of Ribbon Cutting.
27. Authorize Certificate of Recognition in honor of renaming the Los Banos Judicial Center to Robert M. Falasco Justice Center.

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

28. Authorize Certificate of Recognition to Phil Flores in recognition of dedication and commitment to the Merced County Veteran's Council.
29. Authorize Certificate of Recognition to Ramson Homes in celebration of Ribbon Cutting.

Board of Supervisors

30. Approve Minutes of May 1, 8 and 15, 2007 as submitted.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

31. Accept Grant Deed from Doug Stephens and Carol Stephens and Hostetler Investments, LLC for Jensen Road in connection with Administrative Permit No. 06-076 in the Gustine area and adopt Resolution.

**PULLED FROM AGENDA – NO ACTION TAKEN**

32. Contract with California Surveying and Drafting Supply, Inc. (CSDS) allowing the County to receive access to the Virtual Surveying Network (VSN) for one GPS Rover in exchange for hosting the CSDS Reference Station at the Los Banos Road Yard.

**AUTHORIZED CONTRACT NO. 2007212 AS RECOMMENDED AYES: ALL**

33. Adopt Policy to reduce Emissions and Fuel Consumption with commensurate operational cost reductions, for the County's Fleet of Vehicles.

**REVIEW BOARD ORDER – SEE PAGE 9**

AG. COMMISSION

34. Contract with City of Merced for housing, care and disposal for domestic animals.

**AUTHORIZED CONTRACT NO. 2007213 AS RECOMMENDED AYES: ALL**

35. PULLED

36. Contract with Calif. Dept. of Food and Agriculture for Pest Exclusion County Nematode Control Program and adopt Resolution.

**AUTHORIZED CONTRACT NO. 2007214 AND ADOPTED RESOLUTION NO. 2007-126 AS RECOMMENDED AYES: ALL**

HEALTH

37. Memorandum of Understanding with Mercy Medical Center Merced for provision of medical ventilators and supplies for an Influenza Pandemic.

**AUTHORIZED CONTRACT NO. 2007215 AS RECOMMENDED AYES: ALL**

CHILD SUPPORT SERVICES

38. Approve request to cancel and/or reject the current Process Service Request for Proposal #6235 and authorize Child Support Services to seek sole source contract with the assistance of Dept. of Administrative Services.

**APPROVED AS RECOMMENDED AYES: ALL**

HUMAN SERVICES AGENCY

39. Authorize Grant Application for Kinship Support Services Program (KSSP) funding with California Dept. of Social Services and authorize Human Services Agency Director to sign to be returned to the Board for final approval prior to acceptance.

**APPROVED AS RECOMMENDED AYES: ALL**

DEPT. OF ADMIN. SERVICES

40. Authorize Dept. of Admin. Services to initiate the process for the installation and negotiation of agreement with MERCO Credit Union for Model 162 ATM Machine and return to the Board for final award.

**APPROVED AS RECOMMENDED AYES: ALL**

BOARD OF SUPERVISORS

41. Authorize Special Board Project Funds expenditures for District Three in the amount of \$2,437 and District Four in the amount of \$2,438 for a total of \$4,875 to D & D Associates for training and consultation services to the Municipal Advisory Council's with necessary budget transfer to come back to the Board on August 28, 2007 for approval.

**APPROVED AS RECOMMENDED AYES: ALL**

BOARD APPOINTMENTS

42. Emergency Medical Care Committee – Appointed Chief Scott Newman, representing County Fire Chief position, until June 30, 2010 and Lt. Bill Nation, representing California Highway Patrol position, until June 30, 2011.

**APPROVED AS RECOMMENDED AYES: ALL**

43. Agricultural Waste Management Loan Committee – Appointed Scott De Moss, representing Administration, to serve at the Pleasure of the Board

**APPROVED AS RECOMMENDED AYES: ALL**

44. Mental Health Advisory Board – Appointed Joua Lee, representing District Two, until June 30, 2009.

**APPROVED AS RECOMMENDED AYES: ALL**

45. First 5 Commission – Appointed Iantha Thompson, representing District Two, until March 23, 2008.

**APPROVED AS RECOMMENDED AYES: ALL**

BOARD INFORMATION & POSSIBLE ACTION

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

46. Public Works re: Notification of Contract Award for Lake Road Bike Path Reconstruction and Landscaping and Construction of Bellevue Road Bike Lanes has been awarded to Teichert Construction.

**AUTHORIZED CONTRACT NO. 2007216**

47. Public Works re: Notification that Merced County did not receive Safe Routes to School Grant Funding for the 7th Cycle.

48. Human Services Agency re: Notification of Promoting Responsible Fatherhood Grant Application was not approved.

49. Dept. of Administrative Services re: Notification of Internet Auction Proceeds.

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

50. San Francisco Planning Department re: Case No. 2006.1505E - Habitat Reserve Program, Notice of Preparation of an Environmental Impact Report and Notice of Public Scoping Meetings.
51. South Delta Water Agency re: Notice of Petition for Long-Term Transfer of up to 200,000 Acre-Feet of Water per year from the Yuba County Water Agency to the DWR and the USBR under Permit 15026 (Application 5632).
52. State Fish and Game Commission re: Special Meeting set for August 27, 2007 to consider several options requiring the use of non-lead ammunition for the take of big game mammals and non-game birds and mammals including the geographic area inhabited by free-ranging California condors, the extended condor range and statewide.
53. State Water Resources Control Board re: District Report entitled San Joaquin Valley Drainage Monitoring Program, 2002 which represents statistical data on the quality and quantity of subsurface agricultural drainage water on the Westside of the Valley. (On file with Clerk)
54. State Wildlife Conservation Board re: Minutes of May 24, 2007. (On file with Clerk)
55. U.S. Dept. of Homeland Security re: Reclamation District 20634 levees that are accredited on the effective Flood Insurance Rate Map (FIRM) panels and in the effective Flood Insurance Study (FIS) reports for the unincorporated areas of Merced and Stanislaus Counties.
56. State Water Resources Control Board re: Notice of Public Workshop - State Water Resources Control Board / Central Valley Regional Water Quality Control Board Joint Workshop regarding the Central Valley Regional Water Quality Control Board's Irrigated Lands Program.
57. State Water Resources Control Board re: Petition of Escondido Creek Conservancy and San Diego Coastkeeper (Administrative Civil Liability Order No. R9-2006-0095 for City of Escondido Hall Avenue Resource Recovery Facility), San Diego Water Board: Board Meeting Notification.

**RECESS UNTIL 1:30 P.M. TO MEET IN FINAL BUDGET HEARINGS SESSION.**

**AFTER BUDGET HEARINGS, THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF ED ANDERSON, ELIZABETH HIGBY SOUTHER, VERNON JAMES MC ELRATH AND EARL SOUZA AND ADJOURNED THE MEETING UNTIL AUGUST 28, 2007 AT 10:00 A.M.**

## BOARD ORDERS – SUMMARY ACTION MINUTES – AUGUST 21, 2007

### **CONSENT ITEM NO. 7**

#### **2007-08-21 PUBLIC WORKS**

The Clerk announces the waiver of the restriction on alcohol and authorize sale of alcohol and closure of portions of 21<sup>st</sup> and “N” Streets for Raise the Roof Fundraiser is before the Board for consideration.

Upon motion of Supervisor O’Banion, seconded by Supervisor Crookham, duly carried, the Board waives restriction on alcohol and authorizes sale of alcohol to the public and authorizes closure of adjacent portions of 21<sup>st</sup> and “N” Street for the Raise the Roof Fundraiser at Courthouse Park on September 22, 2007 with the following conditions:

1. The Save the Old Library Committee is to provide the County of Merced with a Certificate of Insurance certifying liability, property damage, product liability, and host liquor liability insurance coverage of a minimum of one million dollars (\$1,000,000.00) combined single limits for all activities to be conducted at the park. All Certificates must include the endorsement, “County of Merced, its officers, employee, agents or assigns are additional insureds.” The Certificate must be mailed or faxed to Merced County Parks and Recreation office by September 7, 2007.
2. The sale of alcoholic beverages shall comply with the rules, regulations, and requirements of the California State Department of Alcoholic Beverage Control.
3. The Committee will also sign the Merced County Application and Agreement, agreement to hold harmless, defend and indemnify County, its officers, agents and employees from any and all claims and losses arising out of the Applicant’s use.
4. The Committee shall provide portable restroom facilities as required by the Health Department, at no cost to the County.
5. Contract with the Sheriff’s Department for security personnel, or should a private security be used, the Sheriff’s Department will need to approve the firm used and coordinate its activities.
6. Provide additional refuse bins as may be required or arranged for the removal of refuse at no cost to the County.
7. Obtain all necessary Health Permits and Business License Permits as required by the Health Department and the Department of Commerce, Aviation, and Economic Development.
8. Coordinate with the City of Merced and County Road Division to obtain approval and barricades for street closures.

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



**ACTION ITEM NO. 33**

**2007-08-21 PUBLIC WORKS**

The Clerk announces the Policy to reduce Emissions and Fuel Consumption with commensurate operational cost reductions for the County's Fleet of Vehicles is before the Board for consideration.

Supervisor Nelson states Public Works staff has prepared and submitted a Fleet Vehicle Efficiency and Alternative Fuel Analysis Report which contains five recommendations and suggests the following be added as Recommendation No. 6: "Update report and recommendations each year to include such new information as is available and to report on progress to date and suggest any changes." Supervisor Nelson states solar technology should be included in any new County facilities and advises the Technology Committee is ready to assist in this regard.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board adopts as a County Policy the following six recommendations to reduce the Emissions and Fuel Consumption with commensurate operational cost reductions for Merced County Fleet of Vehicle as amended:

1. Shop for fuel efficient vehicles that meet mission/job requirements.
2. Downsize the Fleet by replacing the larger vehicles with smaller ones. Any and all acquisitions for Merced County shall be reviewed and approved by DPW-Fleet.
3. Establish a short-term goal (over next 5 years) to attain a minimum of 50% SULEV rated vehicles for the Merced County Fleet. Establish a long-term goal to attain 75% SULEV rated vehicles for the Merced County Fleet by 2015.
4. Reduce the overall size of the Merced County Fleet. Vehicles not being driven the minimum monthly mileage (400 miles) should be reassigned or sold at auction.
5. Standardize the Fleet inventory to the fullest extent possible.
6. Update report and recommendations each year to include such new information as is available and to report on progress to date and suggest any changes.

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