

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, SEPTEMBER 18, 2007
Closed Session – 9:00 a.m.
Regular Meeting – 10:00 a.m.

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

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

DEMITRIOS O. TATUM
COUNTY EXECUTIVE OFFICER

JAMES N. FINCHER
COUNTY COUNSEL

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

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

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

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 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): California Farm Bureau Federation v. County of Merced (Fox Hills 185 LLC, Real Party in Interest) Merced County 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: PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Human Services Agency Director

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)

REVIEW BOARD ORDER- SEE PAGE 6

PRESENTATION -

Proclamation - Constitution Week, Merced River Chapter of Daughters of American Revolution

REVIEW BOARD ORDER- SEE PAGE 6

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Commerce, Aviation and Economic Development-\$76,000 and \$76,000; Public Works-\$150, Health-\$43,300; Auditor-\$8,000, Mental Health-\$10,000 and Sheriff-\$10,000

APPROVED AS RECOMMENDED AYES: ALL

10:00 A. M.

APPROVAL OF CONSENT AGENDA CALENDAR Items #1 - 12)

APPROVED AS RECOMMENDED AYES: ALL

REPORTS/BOARD DIRECTION

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

CONSENT CALENDAR (Items #1 - 12)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve and authorize Chairman to sign Amendment to Contract No. 2006003 with Merced County Association of Governments, City of Turlock, County of Stanislaus and Stanislaus Council of Governments for State Route 165/99 Project Study Report.

Mental Health

2. Approve and authorize Chairman to sign Amendment to Contract No. 2007018 with JDT Consultants for Therapeutic Behavioral Services for out-of-county adolescents who currently reside in Fresno County and in need of services.

Executive Office

3. Act on Claim for Damages submitted by Lisa Meisels (2007-1163) as recommended by Risk Management.
4. Approve Travel Requests submitted by Sheriff and District Attorney as recommended by Executive Office.

Board of Supervisors

5. Set public hearing for October 2, 2007 at 10:00 a.m. for an Appeal to Planning Commission decision on Minor Subdivision Application No. MS07-022 submitted by Bear Creek Ranch Partnerships.
6. Amend the Board Meeting calendar to change the Evening Board Meeting to be held on November 6, 2007 at 6:00 p.m. and the Regular Board Meeting on October 30, 2007 at 10:00 a.m.

Auditor

7. Approve the consolidation of the City of Merced; Atwater, Ballico-Cressey, Delhi Unified, El Nido, Gustine Unified, Hilmar Unified, Le Grand Elementary, Le Grand High School, McSwain, Merced City, Merced High School, Planada, Snelling-Merced Falls, Turlock Unified, Weaver and Winton School Districts; MID Division #5, Delhi County Water District and Winton Water & Sanitary District with the November 6, 2007 UDEL Election.

Counsel

8. Set First Reading of Proposed Ordinance designating operating times for public cemeteries in the County of Merced and prohibiting the possession and consumption of alcoholic beverages on public cemetery property for September 25, 2007 at 10:00 a.m. and Second Reading and possible adoption for October 2, 2007.

9. Set First Reading of Proposed Ordinance Establishing Board Salaries changes and repealing Ordinance Nos. 1450 and 1647 for October 16, 2007 at 10:00 a.m. and Second Reading and possible adoption for October 30, 2007.

Board Recognition

10. Authorize Certificates of Recognition to Onis C. Lentz in celebration of installation as Lieutenant Governor for Division 46 CAL-NEV-HA District Kiwanis International.
11. Authorize Certificate of Recognition and plaque to George Gomes, Gustine native, in honor and recognition of his dedicated service to the California Dept. of Food and Agricultural Industry and the California Farm Bureau.
12. Authorize Certificate of Recognition to Los Banos Campus of Merced College in celebration of their Grand Opening.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

13. PULLED
14. Approve plans and specifications for Lake Yosemite Park New Domestic and Automated Irrigation Water System Project (Phase 2) and authorize Public Works to advertise for bids and conduct bid opening to return to the Board with results and recommendations.

APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

15. Authorize initiation of a Request for Proposal (RFP) to secure Consultant services for planning, conducting community input and/or writing the Mental Health Services Act - Prevention and Early Intervention Component Consultant services in accordance with PEI guidelines to be returned to the Board with recommendations.

APPROVED AS RECOMMENDED AYES: ALL

16. Authorize extension of client's length of time as an inpatient at the Marie Green Psychiatric Health Facility without the need of a conservatorship petition being filed, in compliance with W&I Code, Article 4.7 that authorizes the reduction of the number of gravely disabled persons, and adopt Resolution.

AUTHORIZED RESOLUTION NO. 2007-142 AS RECOMMENDED AYES: ALL

COUNSEL

17. Approve the Sale of the County's one-half share in the Atwater Fire Station to the City of Atwater and authorize the Chairman to sign the Grant Deed and direct Staff to record upon receipt of full payment by the City of Atwater.

AUTHORIZED CONTRACT NO. 2007231 AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

18. Mental Health Advisory Board – Reappointed Kim Carter, representing Member At Large, until June 30, 2010.

APPROVED AS RECOMMENDED AYES: ALL

19. Merced County Local Child Care and Development Planning Council – Appointed Helena Torrez, representing the Board of Supervisors Child Care Provider category, until June 1, 2008.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

20. Amtrak California re: Newsletter, Volume 1, Summer 2007 Issue.
21. State Water Resources Board re: Revised Board Meeting Agenda of September 18, 2007.
22. State Water Resources Control Board re: Notice of Public Hearing and Pre-Hearing Conference for Lower Yuba River to Yuba County.
23. State Fish and Game Commission re: Notice of proposed regulatory action relating to Prohibition Against Feeding Big Game Mammals (Section 251.3, Title 14, California Code of Regulations) which will appear in the California Regulatory Notice Register.
24. State Fish and Game Commission re: Notice of proposed regulatory action relating to Sport Fishing Cleanup Regulations which will appear in the California Regulatory Notice Register.

ADJOURNED THE MEETING UNTIL TUESDAY, SEPTEMBER 25, 2007 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – SEPTEMBER 18, 2007

10:00 A.M. SCHEDULED ITEM
2007-09-18 PUBLIC OPPORTUNITY

Kenra Bragonier, representing the Library Study Committee, states appreciation for Board action to open the County Library on Mondays and submits a poster and thank you cards.

Cheryl Hudnall speaks regarding property that was purchased by the County as a part of a Bypass Project and urges the Board to approve an upcoming contract with a local realty company so that rental arrangements can be finalized.

Dept. of Administrative Services Assistant Director Sandy Teague states a contract for the property in question by Cheryl Hudnall is set to be on the October 16, 2007 Agenda if not sooner.

Chief Probation Officer Brian Cooley provides an overview of possible funding changes due to SB 81 and AB 90 and the impacts on Merced County.

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

10:00 A.M. SCHEDULED ITEM
2007-09-18 PRESENTATION

The Board presents a Proclamation proclaiming September 17 – 23, 2007, as “Constitution Week” in Merced County to Connie Waldron, Merced River Chapter of Daughters of American Revolution representative. Ms. Waldron thanks the Board and submits Constitution pocket references and a document entitled “Constitution Week Facts”.

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