

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, NOVEMBER 20, 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

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INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE

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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

8:30 A. M.

CLOSED SESSION – CONFERENCE WITH REAL PROPERTY

NEGOTIATOR: It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator(s) John Fowler, Director-Commerce, Aviation and Economic Development pursuant to Government Code Section 54956.8 as follows: Castle Property

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL -

ANTICIPATED LITIGATION: It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Government Code Section 54956.9(b): Two 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): Lopez v. County of Merced - Eastern District Court Case 1:06-CV-01526; and San Joaquin Raptor v. County of Merced, Riverside Motorsports Park RPI, Merced Superior Court Case No. 150013 - Consolidated

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - INITIATION

OF LITIGATION: It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54956.9(c): One Case

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 12

10:00 A. M.

PRESENTATIONS

Recognition of Corky Schroeder, USA Today's All-USA Teacher Team
Recognition of Lori Robles - American Heart Association

REVIEW BOARD ORDER – SEE PAGE 12

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Sheriff-\$7,300, \$25,000 and \$13,000; Mental Health-\$4,500; Planning-\$4,335 and Health-\$0-

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 36)

APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH - PROPOSED ORDINANCE - FIRST READING - SET SECOND READING AND POSSIBLE ADOPTION

An Ordinance Prohibiting the Hosting of Parties on Private Property where Alcohol is served to or consumed by persons under the age of twenty-one (21) (Adds Chapter 10.45 to the Merced County Code)

REVIEW BOARD ORDER – SEE PAGES 12 AND 13

COUNTY COUNSEL - PROPOSED ORDINANCE - SECOND READING AND POSSIBLE ADOPTION

An Ordinance Establishing the Compensation of the Board of Supervisors of the County of Merced (Repeals Ordinance Nos. 1647 and 1450)

REVIEW BOARD ORDER – SEE PAGE 13

COUNTY COUNSEL - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

An Ordinance Establishing the Reporting, Holding and Payment of Scrap Metal Sales or Transfers (Adds Chapter 6.60 to the Merced County Code)

REVIEW BOARD ORDER – SEE PAGE 14

BOARD OF SUPERVISORS - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

Proposed Ordinance Establishing Fees for Assessment Appeals Board Division of the Board of Supervisors Office (Amends Ordinance No. 1330)

REVIEW BOARD ORDER – SEE PAGES 14 AND 15

PLANNING - PUBLIC HEARING

To consider an Appeal of the Planning Commission Denial of Minor Subdivision Application No. 07-022 submitted by Bear Creek Ranch Partnership. Said application is to divide one 265.6 acre into five parcels: Parcel 1=59.74 acres, Parcel 2=50.27 acres, Parcel 3=51.16 acres, Parcel 4=51.56 acres and Parcel 5=50.27 acres on property located on the west side of Plainsburg Road, approximately one half mile north of State Highway 140 and 2,000 feet north of the Planada SUDP boundary

REVIEW BOARD ORDER – SEE PAGES 15 THROUGH 17

REPORTS/BOARD DIRECTION

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

CONSENT CALENDAR (Items #1 - 36)

APPROVED AS RECOMMENDED

AYES: ALL

Public Works

1. Adopt Resolution restricting parking on the westside of Rancho Lane in the Franklin-Beachwood area and authorize installation of said signs.

ADOPTED RESOLUTION NO. 2007-166

2. Adopt Resolution in Recognition of Marvin Basler for years of service to Merced County.

Mental Health

3. Approve and authorize Chairman to sign Renewal Contract No. 2004016, Memorandum of Understanding, with District Attorney, Probation, Public Defender, Sheriff and Superior Court for operation of Merced County Adult Drug Treatment Court.
4. Approve and authorize Chairman to sign Amendment to Contract No. 2007261 with SunBridge Harbor View Rehabilitation Center for residential treatment facility for youth, ages 7 to 20.
5. Approve and authorize Chairman to sign Renewal Contract No. 2002220 with Tulare County Superintendent of Schools dba as California Friday Night Live Partnership for the Youth Mentoring Program.

Health

6. Approve and authorize Chairman to sign Renewal Contract No. 2002243 with State Dept. of Health for Emergency Medical Services Appropriation (EMSA)/AB 203.
7. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2007062 with California Integrated Waste Management Board for Grant for Local Solid Waste Landfill Permit and Inspection Program.

ADOPTED RESOLUTION NO. 2007-167

Human Services Agency

8. Approve and authorize Chairman to sign Amendment to Contract No. 2006131 with Merced Community College District for Independent Living Program.
9. Approve and authorize Chairman to sign Renewal Contract No. 2006110 with Merced Lao Family Community, Inc. for Refugee Employment and Social Services Program.

Ag. Commissioner

10. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2006217 with Calif. Dept. of Food and Agriculture for Sudden Oak Death Emergency Response.

ADOPTED RESOLUTION NO. 2007-168

11. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2007129 with Calif. Dept. of Food and Ag. for Eradication of Japanese Dodder.

ADOPTED RESOLUTION NO. 2007-169

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

Commerce, Aviation and Economic Development

12. Approve and authorize Chairman to sign Amendment to Contract No. 2005081 with SBC DataComm, Inc. dba AT&T DataComm, Inc. changing the name to Pacific Bell Telephone Company dba AT&T DataComm.
13. Approve and authorize Chairman to sign Amendment to Contract No. 2003201 with SBC DataComm, Inc. dba AT&T DataComm, Inc. changing the name to Pacific Bell Telephone Company dba AT&T DataComm.

Probation

14. Approve and authorize Chairman to sign Renewal Contract No. 2005010 with Merced County Office of Education for placement of Deputy Probation Officer at Valley Community School - Los Banos Campus.
15. Approve and authorize Chairman to sign Renewal Contract No. 2004307 with Merced County Office of Education for reimbursement of Deputy Probation Officer at Valley Community School.
16. Approve and authorize Chairman to sign Renewal Contract No. 2004099 with Merced County Office of Education for reimbursement of a Deputy Probation Officer for the Gang Risk Intervention Program.

Fire

17. Approve and authorize Chairman to sign Renewal Contract No. 2004061 with Merced-Mariposa Chapter of American Red Cross for vehicle storage.

Sheriff

18. Approve and authorize Chairman to sign Renewal Contract No. 2004019 with Merced Community College for Management of Security and Safety.

Executive Office

19. Act on Claims for Damages submitted by Franklin County Water District (2007-1192), City of Merced (2007-1196), Mark Pace and Manuel Salacup (2007-1187), David Lovelace (2) (2007-1194 and 2007-1195), Judy Pitcock (2007-1190) and AA&A Associates, Inc. (2007-1193) as recommended by Executive Office.

Board of Supervisors

20. Adopt Resolutions for Betty Jeanne Stewart, Nita Kindle Ramondini, Ann Sloan, Calvin Pouncey, Joe Florino, Don Taylor and Lemuel Malachi Dantzler and adjourn the meeting in their memory.
21. Approve Minutes of July 17, 24, 31; August 7, 21, 28; September 11, 18, 25 and October 2 and 16, 2007 as submitted.

Planning

22. Set public hearing for December 18, 2007 at 10:00 a.m. to consider proposed ordinance to prohibit medical marijuana dispensaries.

Board Recognition

23. Proclaim the Month of October 2007 as "Domestic Violence Awareness Month" in Merced County.
24. Proclaim October 5, 2007, as "California Arts Day" in Merced County.
25. Authorize Plaque and Certificate of Recognition to Winfield Elementary School in Celebration of Ribbon Cutting and Dedication of Ira Lackey Field.
26. Authorize Certificates of Recognition to Chairman Jim Farley and Secretary Pam Schroeder for Dedicated Service on the McSwain Municipal Advisory Council.
27. Authorize Certificate of Recognition to Castle Air Museum in Celebration of POW/MIA Recognition Day.
28. Authorize Certificate of Recognition to Susan Hildreth for presentation on The Role of Libraries in the Future of California.
29. Authorize Certificate of Recognition to Daniel Patrick Murphy in Celebration of 20 years of Dedicated Service to the County of Merced.
30. Authorize Certificate of Recognition to Livingston Community Network in Celebration of Multicultural Festival "A Taste of Livingston".
31. Authorize Certificate of Recognition to Syncon Homes Las Casas in Celebration of Ribbon Cutting.
32. Authorize Certificate of Recognition to Forrest Schultz for Achieving the Rank of Eagle Scout-Troop 92.
33. Authorize Certificate of Recognition to The Ballico Store in Celebration of Grand Opening.
34. Authorize Certificate of Recognition to U.S. Submarine Veterans of WWII - Fresno Chapter in Dedication of the Valiant Submariners of the United States Navy who lost their lives in submarine service to the country.
35. Authorize Certificates of Recognition for being selected for the 2007 Working Woman of the Year Award to Susan Walsh, Vicky Ramirez, Robyn Porter, Lena Mendoza, Necola Holmes-Adams, Carol Joan Faul, and Nancy Devours.
36. Authorize Certificates of Recognition to Tripet Grewal-Delhi Unified School District, John Davis-Merced County Office of Education, Donna Torres-Gustine Unified School District and Elizabeth Rojan-Delhi Unified School District for selection as the 2007 Teacher of the Year.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

37. Contract with Environmental Science Associates (ESA) - Central Valley/Sierra Regional Office - Community Development Group for CEQA/NEPA Documentation and Environmental Studies; authorize Public Works Director to sign Project Supplements for individual job requests and one-time Project Supplement for the Downtown Government Center if the fee exceeds the maximum Supplement amount but is still within the available

funding for the Downtown Government Center.

AUTHORIZED CONTRACT NO. 2007256 AS RECOMMENDED AYES: ALL

38. Adopt Resolution committing to matching funds, authorize Public Works Director to submit a 2008/2009 Bicycle Transportation Account (BTA) grant application to Caltrans Bicycle Facilities Unit for the TID Lateral Canal No. 7 Bicycle Crossing in Hilmar and authorize the payment of funds from District 4 Special Board Project Funds upon receipt of the grant and direct Public Works to return to the Board upon receipt of the Caltrans 2008/2009 BTA Grant for final approval.

ADOPTED RESOLUTION NO. 2007-170 AS RECOMMENDED AYES: ALL

39. Authorize circulation of a Request for Proposal (RFP) from qualified conservation banks for the purchase of Kit Fox Mitigation Credits for the Caltrans Parkway Project and authorize Public Works to rank proposals as well as negotiate a preliminary contract to be submitted for Board approval.

APPROVED AS RECOMMENDED AYES: ALL

40. Authorize Siemens Building Technologies to conduct a Detailed Study Report to provide Merced County with an Energy Savings Performance Agreement, targeting the energy retrofit, water conservation and facility upgrade measures that are the priorities of Merced County, Public Works will return to the Board at a later date with upgrade proposal measures and authorize said Contract with Siemens Building Technologies, Inc.; to provide a Detailed Study Report for energy conservation measures for a fee not to exceed \$50,000 and to provide a Detailed Study Report for water conservation measures including an arsenic treatment plant at the Sandy Mush Correctional Facility for a fee not to exceed \$10,000 understanding these fees will only be charged if Merced County does not enter into an Energy Savings/Water Conservation Performance Agreement to proceed with retrofit and upgrade implementation.

AUTHORIZED CONTRACT NO. 2007257 AS RECOMMENDED AYES: ALL

41. Authorize Sole Source Procurement of Diesel Particulate Matter (PM) Filters for Merced County Transit Buses from A-Z Bus Sales; approve the necessary budget transfer-\$168,015 and authorize issuance of a Purchase Order for purchase of items.

AUTHORIZED CONTRACT NO. 2007262 AS RECOMMENDED AYES: ALL

42. Resolution for the Roadway Maintenance Agreement with County of Fresno for Merrill Avenue, Custer Avenue and a portion of Valeria Avenue due to the January 1, 2008 boundary line changes subject to concurrence of Fresno County's agreement with Merced County.

AUTHORIZED CONTRACT NO. 2007258 AND ADOPTED RESOLUTION NO. 2007-171 AS RECOMMENDED AYES: ALL

43. Resolution authorizing Grant Deed for easement from Shuttle Drive crossing the Animal Control Facility parcel down to the northerly line of Big Creek Timber to be conveyed to Merced Irrigation District for the Merced County Animal Control Facility.

ADOPTED RESOLUTION NO. 2007-172 AS RECOMMENDED AYES: ALL

44. Contract with Firebaugh Disposal for Refuse Collection Area No. 8 effective January 1, 2008 for five years commencing January 1, 2008.

AUTHORIZED CONTRACT NO. 2007259 AS RECOMMENDED AYES: ALL

HEALTH

45. Authorize Environmental Health to accept donation of hazardous materials equipment from Dole Packaged Foods, LCC for the Household Hazardous Waste Site.

APPROVED AS RECOMMENDED AYES: ALL

46. Contract with State Dept. of Health for administration of the AIDS Drug Assistance Program for funding in the amount of \$1,000.

AUTHORIZED CONTRACT NO. 2007263 AS RECOMMENDED AYES: ALL

47. Adopt Resolution approving the submission of the Farm and Ranch Solid Waste Cleanup and Abatement Grant Application for FY 2007/08 to the California Integrated Waste Management Board.

AUTHORIZED CONTRACT NO. 2007264 AND ADOPTED RESOLUTION NO. 2007-173 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

48. Authorize acceptance of 25 flat panel monitors, two CRT monitors, 20 computer towers, two routers, four computer switches and one computer server Surplus Property Items from C-IV Consortium.

APPROVED AS RECOMMENDED AYES: ALL

49. Authorize Contract with Fresno County for transferring of services that include but are not limited to CalWORKs, Medi-Cal, Food Stamps, Foster Care, In-Home Supportive Services, Child Welfare & Child Protective Services and Adult Protective Services related to the county boundary line change.

AUTHORIZED CONTRACT NO. 2007260 AS RECOMMENDED AYES: ALL

50. Authorize preparation and release of a Request for Proposal for a comprehensive classification and compensation study for Merced County Human Services Agency, authorize selection of the most responsive provider to be returned to the Board for contract approval.

APPROVED AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

51. Adopt Resolution certifying the Revolving Loan Fund Plan is consistent with and supportive of the area's current economic adjustment strategy and is being operated in accordance with policies and procedures in the Revolving Loan Plan as required by U.S. Dept. of Commerce, Economic Development Administration.

ADOPTED RESOLUTION NO. 2007-174 AS RECOMMENDED AYES: ALL

MENTAL HEALTH

52. Amendment to Contract No. 2005027 with Challenged Family Resource Center for Family Advocacy Services and approve the budget transfer-\$8,195. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

53. Contract with Rebekah Children's Services for Therapeutic Behavioral Services.

AUTHORIZED CONTRACT NO. 2007265 AS RECOMMENDED AYES: ALL

54. Authorize research of space available in the Merced area for the Mental Health Alcohol and Drug Services Recovery Assistance for Teens (RAFT) Program with contract to be returned to the Board for approval.

APPROVED AS RECOMMENDED AYES: ALL

55. Amendment to Contract No. 2006191 with Merced Lao Family for implementation of the Southeast Asian Community Advocacy Program (SEACAP) through the Mental Health Services Act Three Year Plan and approve budget transfer-\$18,041. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2006191 AS RECOMMENDED AYES: ALL

SHERIFF

56. Authorize the Sheriff to use the southeast corner of the County Parking Lot located on M Street and 23rd Street to accept donations from the public on December 5, 2007 from 7:00 a.m. to 1:00 p.m. in support of OPERATION CHRISTMAS.

APPROVED AS RECOMMENDED AYES: ALL

57. Authorize purchase of two PSAP Control Position Add On Systems from Moducom, Inc. with 2005 Homeland Security Grant funds and approve budget transfer-\$69,897. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

FIRE

58. Authorize Fire to accept the donation of Hazardous Material Equipment from Dole Packaged Foods, LLC for Hazardous Materials Unit.

APPROVED AS RECOMMENDED AYES: ALL

59. Authorize acceptance of FY 2007 State Homeland Security Grant Program and Law Enforcement Terrorism Prevention Program Funds totaling \$524,676 on behalf of the Merced Operational Area and authorize expenditure of the Grant Funds as detailed in Grant Application and reimbursement of the Operational Area cities for expenses incurred in the grant projects.

AUTHORIZED CONTRACT NO. 2007266 AS RECOMMENDED AYES: ALL

DEPT. OF ADMIN. SERVICES

60. Declare Fleet No. 63010 (Merced County Property No. 039205), a 1988 Chevrolet van with 89,000 miles, as Surplus Property and authorize the donation of this vehicle to The U.S. Freedom Alliance.

APPROVED AS RECOMMENDED AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

61. Contract with Merced College for Career Advancement Academy Grant and approve budget transfer-\$10,000. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2007267 AS RECOMMENDED AYES: ALL

62. Amendment to Contract No. 2007207 with Stanislaus County Alliance Worknet for WorkKeys Pilot Program in Merced County and approve budget transfer-\$2,750.00. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

63. Amendment to Contract No. 2006175 with Madera County Workforce Development Office for workforce services for dislocated workers and approve budget transfer-\$50,000 (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

64. Amendment to Contract No. 2007159 with Merced County Office of Education for Out-of-School Youth Services adding \$36,121 of carry-over monies and approve budget transfer-\$36,131. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

65. Amendment to Contract No. 2007158 with Merced County Office of Education for In-School Youth Services and approve budget transfer-\$57,990. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

PLANNING

66. Authorize Broadcast of Planning Commission Meetings on the Internet and Live Video/Audio Feed to Comcast and approve budget transfer-\$6,285.

APPROVED AS RECOMMENDED AYES: ALL

SPRING FAIR

67. Authorize initiation of the procurement process for Motor Sports and Livestock Auction Services during the Annual Spring Fair, select the most responsive provider to perform and negotiate an agreement and return to the Board for final contract approval.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

68. Elections Office Operational Efficiency.

REVIEW BOARD ORDER – SEE PAGE 17

BOARD APPOINTMENTS

69. In-Home Supportive Services Advisory Committee – Reappointed Florence Martin representing District 3 until July 3, 2010.

APPROVED AS RECOMMENDED AYES: ALL

70. Workforce Investment Board - Accept the resignation of Phil Flores and authorize the posting of the vacancy.

APPROVED AS RECOMMENDED AYES: ALL

71. Ballico-Cortez Water District – Appointed Mark Escobar and David Koch until December 5, 2011 and Rosa Echevarria until December 5, 2009.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

72. American Diabetes Association re: The "Healthy Family, Healthy Community" publication. (On file with Clerk)
73. San Joaquin Valley Air Pollution Control District re: Adopted 2007 PM10 Maintenance Plan and Request for Re-designation.
74. Yuba County Water Agency re: Notice of Intent to Appear by State Water Contractors and Kern County Water Agency in Petition for Long-Term Transfer of up to 2000,000 Acre-Foot of Water from Yuba County Water Agency to the Dept. of Water Resources and the U.S. Bureau of Reclamation under Permit 10506 Scheduled for December 5, 2007 and continuing on December 6, 2007, if necessary.
75. State Dept. of Finance re: State Fund Opportunity for Local Governments Who Participate in the Local Update of Census Addresses (LUCA) Program.
76. State Dept. of Fish and Game re: Notice of Availability of Draft Environmental Document dealing with Method(s) of Take for Big Game, Nongame Mammals, and Nongame Birds is

being re-circulated for additional public comment with review period ending November 26, 2007. (On file with Clerk)

77. State Water Resources Control Board re: Notice of Petition for Change in Point of Diversion and Re-diversion under the permits of the U.S. Bureau of Reclamation's Central Valley Project and Contra Costa Water District's Permit 20749.
78. State Water Resources Control Board re: Order Approving Petition for Temporary Transfer of up to 25,000 acre-feet of water to the Environmental Water Account in response to the Merced Irrigation District's request for a temporary transfer of water under Water Code Section 1725, et seq.
79. State Water Resources Control Board re: Notice of Wastewater Change Petition 49 for County of Merced-Miles Creek Stream System by Planada Community Service District.
80. State Water Resources Control Board re: Notice for Public Comment on Proposed Amendment to the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) to Adopt Site-Specific Objectives for Cyanide for San Francisco Bay and an Implementation Plan.
81. Federal Emergency Management Agency re: Notice of Federal Emergency Management Agency's Revisions to the Flood Insurance Study Report and Flood Insurance Rate Map - Bianchi Property.
82. State Water Resources Control Board re: Notice of Proposed Regulatory Action relating to Sausal Creek Sport Fishing Regulations, California Regulatory Notice Register on November 2, 2007.
83. State Water Resources Control Board re: Notice of opportunity for public comment on a proposed amendment to the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) to adopt site-specific objectives for copper in San Francisco Bay.
84. California Water Boards re: California Aquatic Bioassessment Workgroup - 14th Annual Meeting set for November 29 - 30, 2007.

ADOPTED RESOLUTIONS IN MEMORY OF BETTY JEANNE STEWART, NITA KINDLE RAMONDINI, ANN SLOAN, CALVIN POUNCEY, JOE FLORINO, DON TAYLOR, LEMUEL MALACHI DANTZLER, ART WESTMORELAND, HOWARD CULLEN AND CARMELA WILLIAMS AND ADJOURNED MEETING UNTIL TUESDAY, NOVEMBER 27, 2007 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – NOVEMBER 20, 2007

10:00 A.M. SCHEDULED ITEM
2007-11-20 PUBLIC OPPORTUNITY

Gerri Martin, Livingston, states concern with the Vinewood Avenue land purchase, which is located near her property and is being farmed, by the City of Livingston and requests the Board protect the farmland.

Colette Alvarnaz, Livingston, submits documents, reads a statement and requests notification in writing of the County's intention with regard to the illegal sewer truck line and requests the Board protect her "right to farm" under the Williamson Act.

Monty Tomlinson, Merced, speaks in opposition to the proposed Merced Rescue Center on Highway 140.

Ralph Gonzalez, Merced, states concern with the condition of Evergreen Memorial Cemetery and requests the Board provide assistance with the maintenance.

Bryant Owens, Merced, reads a statement concerning the Geneva Development Corporation, an application for a minor subdivision in the Planada area.

David Corser, Planada Association, continues with Bryant Owens' statement and requests the Board postpone the Appeal of Planning Commission Denial of Minor Subdivision Application No. 07-022 submitted by Bear Creek Ranch Subdivision and states concern with relationships between the Board and developers.

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

10:00 A.M. SCHEDULED ITEM
2007-11-20 PRESENTATIONS

The Board presents a Certificate of Recognition to Lori Robles in recognition of 25 years of service with the American Heart Association and presents a Certificate of Recognition to Corky Schroeder in Honor of being selected as USA Today's 2007 All-USA Teacher Team.

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

10:00 A.M. SCHEDULED ITEM
2007-11-20 MENTAL HEALTH – PROPOSED ORDINANCE

The time and date previously set for the First Reading of Proposed Ordinance submitted by the Mental Health Department. The Clerk reads the Ordinance by title only: An Ordinance adding Chapter 10.45 to the Merced County Code Prohibiting the Hosting of Parties on Private Property Where Alcohol is Served to or Consumed by Persons Under the Age of Twenty-One (21).

Public Works-Special Project Director Robert Smith reviews the Staff Report.

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

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

Colette Alvarez speaks in support.

UC Merced Students Leah Colwell and Dominic Dhia speak against the Proposed Ordinance.

Jane Lawrence, Vice Chancellor for Student Affairs at UC Merced, states UC supports the County's efforts to address under age drinking and requests the County amend the Proposed Ordinance to mirror the City of Merced adopted Ordinance which will present a unified front and enable City and County to support each other across jurisdictional lines. She suggests the following: 1) defining what constitutes a party will make the ordinance easier to understand, to remember and obey; 2) adopting the same penalties will eliminate confusion; and, 3) include a penalty against the property owner(s) so the property owner is responsible for some percentage of the fine imposed which will encourage property owners to be more aware of what is happening on their property.

Supervisor Nelson suggests referring this back to staff for further review and that a workshop be held at UC Merced for students to help them understand the Proposed Ordinance.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board refers the matter back to staff to work with the parties to clarify the language in the Proposed Ordinance.

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

10:00 A.M. SCHEDULED ITEM

2007-11-20 COUNTY COUNSEL – SECOND READING - ORDINANCE NO. 1825

The time and date previously set to consider second reading and possible adoption of a Proposed Ordinance submitted by County Counsel and the Amendment to the Management Resolution No. 2006-115. The Clerk reads the Ordinance by title only: An Ordinance Establishing the Compensation of the Board of Supervisors of the County of Merced (Repeals Ordinance Nos. 1647 and 1450).

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

Supervisor O'Banion moves, seconded by Supervisor Crookham, the Board waive further reading of the Proposed Ordinance.

The Chairman calls for a Vote on the Motion.

Supervisor Kelsey votes "no". Motion carries.

Ayes: Pedrozo, Crookham, Nelson, O'Banion

Noes: Kelsey

Supervisor O'Banion moves, seconded by Supervisor Nelson, the Board adopt Ordinance No. 1825 and adopt Resolution No. 2007-165, Policies Relating to the Designation, Compensation and Recognition of Unrepresented Management Employees (Amends Resolution No. 2006-115) .

The Chairman calls for a Vote on the Motion.

Supervisor Kelsey votes “no”. Motion carries.

Ayes: Pedrozo, Crookham, Nelson, O’Banion

Noes: Kelsey

10:00 A.M. SCHEDULED ITEM

2007-11-20 COUNTY COUNSEL – PUBLIC HEARING - ORDINANCE NO. 1826

The time and date previously set for a public hearing to consider a Proposed Ordinance submitted by County Counsel. The Clerk reads the Ordinance by title only: An Ordinance Establishing the Report, Holding and Payment of Scrap Metal Sales or Transfers (Adds Chapter 6.60 to the Merced County Code).

County Counsel James Fincher reviews the staff report and advises the Proposed Ordinance outlines the guidelines the recyclers will have to follow to gather information to provide to the Sheriff’s Department. The Ordinance will be effective in the County of Merced in the incorporated areas only.

Assistant County Counsel Fernanda Saude states other counties have adopted similar ordinances as metals have become more valuable and the Proposed Ordinance will have a recording requirement which will provide the Sheriff’s Department with a better tool for investigating these types of thefts.

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

William Mendonca, recycling facility owner, states recyclers want this issue resolved but believes this should be a statewide law not individual area to keep it fair for all recyclers.

Mike Toews, recycling facility owner, agrees this should be a statewide law and states he will work closely with government entities to assist in this matter.

Undersheriff Bill Blake advises the Sheriff’s Department supports the Proposed Ordinance.

Merced County Farm Bureau Executive Director Diana Westmoreland Pedrozo speaks in support and states concern with relying on the State.

Colette Alvarnaz, Livingston, speaks in support.

The Chairman closes the public hearing.

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor O’Banion, duly carried, the Board waives further reading and adopts Ordinance No. 1826.

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

10:00 A.M. SCHEDULED ITEM

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

2007-11-20 BOARD OF SUPERVISORS – PUBLIC HEARING - ORDINANCE NO. 1827

The time and date previously set for a public hearing to consider a Proposed Ordinance submitted by the Board of Supervisors Office. The Clerk reads the Ordinance by title only: An Ordinance Establishing Fees for Assessment Appeals Board Division of the Board of Supervisors Office (Amends Ordinance No. 1330).

Upon motion of Supervisor Crookham, seconded by Supervisor Nelson, 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 O'Banion, seconded by Supervisor Kelsey, duly carried, the Board adopts Ordinance No. 1827.

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

10:00 A.M. SCHEDULED ITEM
2007-11-20 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider an Appeal of Planning Commission Denial of Minor Subdivision Application No. 07-022 submitted by Bear Creek Ranch Partnership. Said application is to divide one 265.6 acre into five parcels: Parcel 1=59.74 acres, Parcel 2=50.27 acres, Parcel 3=51.16 acres, Parcel 4=51.56 acres and Parcel 5=50.27 acres on property located on the west side of Plainsburg Road, approximately one half mile north of State Highway 140 and 2,000 feet north of the Planada SUDP boundary.

Planner James Holland reviews the Staff Report and Powerpoint Presentation.

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

David Corser, Planada Association, speaks in opposition requesting the Board uphold the Planning Commission decision.

Bryant Owens, Planada, submits a letter dated October 1, 2007, and speaks in opposition.

Louie Bandoni, Merced County Farm Bureau President, submits a letter in opposition dated November 20, 2007, and urges the Board deny the application on basis of inconsistency with the Goals and Objectives of the General Plan and not beneficial for County agriculture resources and industry and should the Board not deny the Application, the Board must proceed with environmental review as required by CEQA.

Diana Westmoreland Pedrozo, Merced County Farm Bureau Executive Director, continues reading the letter submitted by Mr. Bandoni, and speaks in opposition.

Maria Giampaoli, co-owner of J. Marchini Farms, submits and reads a letter in opposition from J. Marchini Farms Vice President of J. Marchini Farms.

Colette Alvarnez, Livingston, submits and reads a letter in opposition.

Benina Burroughs, Merced Chapter-Women for Agriculture President, submits and reads a statement in opposition.

Kim Rogina, Merced, speaks in opposition.

Steve Holt, representing the Developer, speaks in support.

Rod Hawkins, Hawkins and Associates Engineering, representing the Applicant speaks in support.

John Colbert, Greenleaf Farms Inc. President in Visalia, states he manages the subject property and Green Leaf Farms has been in business since 1970 and the same is true for Bear Creek Partnership that has been in business since the early 1990s and speaks in favor.

John Sessions, Geneva Development Corporation, reviews the background of this project and states the intent is to continue to grow almonds on this property.

Mary Fury speaks in opposition and states concern with water supply in Planada.

Tom Grave, Merced Alliance for Responsible Growth, speaks in opposition.

Ralph Gonzalez, Merced, speaks in opposition and states he supports agriculture and farmers.

Maureen McCorry, refers to letters from U.S. Department of the Interior-Fish and Wildlife Service and Marsha A. Burch.

Lisa Kaiser Grant submits a letter and states concern with CEQA Exemption for this project and speaks in opposition.

The Chairman closes the public hearing.

County Counsel James Fincher reviews the options available to the Board.

Following discussion Supervisor Nelson moves, seconded by Supervisor Crookham, the Board deny the Appeal based upon process and return the matter to the Planning Department for CEQA application.

The Board discusses whether or not returning this matter back to the Planning Department will set a precedent and require CEQA review of every parcel split/subdivision.

County Counsel James Fincher states whether or not CEQA review is required would depend on evidence in each particular subdivision request.

Supervisor Kelsey states she cannot support the motion to send the matter back to the Planning Department for environmental review and states it would be better to not set a precedence and to deny the Appeal and Application.

After the Clerk recites the Motion, the Chairman calls for a vote.

Supervisors Pedrozo, Kelsey and O'Banion vote "no". Motion fails.

Ayes: Crookham, Nelson

Noes: Pedrozo, Kelsey, O'Banion

County Counsel James Fincher reviews the options the Board has in this matter.

Following further discussion, Supervisor O'Banion moves, the Board find CEQA applies to this proposed project.

Motion dies for the lack of a second.

The Chairman states no action is taken on this matter.

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

ACTION ITEM NO. 68

2007-11-20 EXECUTIVE OFFICE

The Clerk announces Elections Office Operational Efficiency is before the Board for consideration.

County Executive Officer Dee Tatum reviews the staff report and states the proposed technical review will assess the operations of the Elections Office and staff will return to the Board with recommendations/options for consideration.

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board authorizes a technical review of the Elections Office with recommendations to come back to the Board.

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