

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, DECEMBER 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

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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 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: (1) Castle Property and (2) Belcher Property, 2045 W. Belcher Avenue (APN 057-130-04), Merced

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): One Case

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): Evans v. County of Merced, Merced County Superior Court Case No. 150272

CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – SIGNIFICANT EXPOSURE: It is the intention of the Board to meet in Closed Session to consider Significant Exposure pursuant to Government Code Section 54956(b): Two Cases

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)

REVIEW BOARD ORDER – SEE PAGE 10

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 PAGES 10 and 11

10:00 A. M.

PRESENTATION

UC Cooperative Extension, 90th Year Anniversary Recognition
REVIEW BOARD ORDER – SEE PAGE 11

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Mental Health-\$31,000; Public Works-\$100 and Court Security-\$12,000

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 20)

APPROVED AS RECOMMENDED AYES: ALL

PLANNING - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider proposed Ordinance entitled "An Ordinance Adopting a Permanent Prohibition on Medicinal Marijuana Dispensaries" (Adds Chapter 6.70 to Title 6 of the Merced County Code)

REVIEW BOARD ORDER – SEE PAGES 11 AND 12

PUBLIC WORKS - PUBLIC HEARING

To consider Sole Sourcing an Energy and Water Conservation Retrofit Contract with Siemens Building Technologies for fifteen (15) Merced County Facilities in compliance with Government Code Section 4217.13

REVIEW BOARD ORDER – SEE PAGES 12 AND 13

COUNTY COUNSEL - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider proposed Ordinance entitled "An Ordinance Authorizing a Master Development Agreement for the Development of the Castle Airport, Aviation and Development Center"

REVIEW BOARD ORDER – SEE PAGE 13

PLANNING - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider 2007 Cycle IV General Plan Amendment as follows: General Plan Amendment No. GPA07-007, County of Merced, Public Hearing held on December 4, 2007. Recommendation: Adopt 2007 Cycle IV General Plan Amendment Resolution

REVIEW BOARD ORDER – SEE PAGE 14

PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider Proposed Ordinance entitled "An Ordinance Amending Refuse Service Fees and Charges for County Solid Waste Franchise Areas" (Amends Merced County Code Chapter 5.90 and Ordinance No. 1790)

REVIEW BOARD ORDER – SEE PAGE 14

PLANNING - CONTINUED PUBLIC HEARING (FROM DECEMBER 11, 2007)

To consider Resolution to amend the Agricultural Preserve in conformance with the requirements of the Land Conservation Act of the 1965 (Williamson Act) Section 51200 et. seq. of the California Government Code

REVIEW BOARD ORDER – SEE PAGE 15

REPORTS/BOARD DIRECTION

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

CONSENT CALENDAR (Items #1 - 20)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve and authorize Chairman to sign Amendment to Contract No. 2006093 with Rodriguez's Hot Dogs for Food Concession at Winton Park. (4/5 Vote Required)
2. Adopt Resolution restricting Parking on the west side of McKee Road in Le Grand and authorize installation of signs.

ADOPTED RESOLUTION NO. 2007-188

3. Set public hearing for January 29, 2008 at 10:00 a.m. to consider Terminating Maintenance of that portion of Bellevue Road that lies west of Fox Road to its end at the west side of Canal Creek in Atwater and adopt Resolution of Intent.

ADOPTED RESOLUTION NO. 2007-189

4. Increase appropriations to Solid Waste Capital Asset Account (75100/86420) by transferring existing appropriations from Accounts 82103 and 85049.

Mental Health

5. Approve and authorize Chairman to sign Amendment to Contract No. 2007151 with Probation for Offender Treatment Program Assessment and Supervision Services.
6. Approve and authorize Chairman to sign Amendment to Contract No. 2007018 with JDT Consultants for Therapeutic Behavioral Services for out-of-county adolescents and increasing the total contract amount.

UC Cooperative Extension

7. Approve and authorize Chairman to sign Amendment to Contract No. 2004392 with University of California for clerical support funding.

Health

8. Adopt Resolution honoring Betty Wetters for dedicated service to the County of Merced.

Human Services Agency

9. Approve and authorize Chairman to sign Renewal Contract No. 2004335 with State Dept. of Veteran's Affairs for Certificate of Compliance for Veterans Service Program funds.

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

10. Approve and authorize Chairman to sign Renewal Contract No. 2004334 with State Dept. of Veterans Affairs for Certificate of Compliance for Medi-Cal Cost Avoidance Program funds.
11. Approve and authorize Chairman to sign Renewal Contract No. 2005003 with William V. Stenberg for lease of Los Banos - West Side Family Service Center.

Library

12. Approve and authorize Chairman to sign Renewal Contract No. 2003032 with Housing Authority of the County of Merced for George Branch Library space.

Board Recognition

13. Authorize Certificate of Appreciation to Qdoba Mexican Grill in celebration of Ribbon Cutting.
14. Authorize Certificate of Appreciation to individuals recognized for their commitment and dedication as 4-H Volunteers.

REVIEW BOARD ORDER – SEE PAGE 16

15. Authorize Certificate of Appreciation to Los Banos Memorial Hospital for receiving the 2007 California Fit Business Award.
16. Authorize Certificate of Appreciation to John Jantz, Jr. for faithfulness, commitment and ministry to parishioners of Church of God in Christ, Mennonite for 46+ years.
17. Authorize Certificate of Appreciation for Atwater Chamber of Commerce Awards as follows: Jo Sakaldasis-Volunteer of the Quarter; Domino's Pizza-Business of the Quarter; Shauna Weiss-Entrepreneur of the Quarter, Paola Fuentes-Student of the Quarter Bellevue Elementary, Vanessa Lopez-Student of the Quarter Peggy Heller Elementary.
18. Authorize Certificate of Appreciation to Robert J. Weimer for 20 years of service and David M. Olsen for 24 years of service to the Merced Union High School District.
19. Authorize Certificate of Appreciation to Steve Keil for 38 years of service to the counties and citizens of California.
20. Authorize Certificate of Appreciation to LB Originals/Linda's Fine Chocolates in celebration of Ribbon Cuttings.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

21. Terminate Merced County Contract No. 2007237 as requested by Merced County Community Action Agency's letter dated November 16, 2007 for the lease space in the Le Grand Courts Building for the Women, Infants & Children's (WIC) Program.

APPROVED AS RECOMMENDED AYES: ALL

22. Contract with Hilmar County Water District for Emergency Drainage Standby Service Agreement.

AUTHORIZED CONTRACT NO. 2007282 AS RECOMMENDED AYES: ALL

23. Authorize amendment to the Joint Exercise Powers Agreement providing for water supply and delivery system for the California Aqueduct adding Merced County as a member and

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

removing Fresno County; appoint James Burgin, Eastside Water Association and Barry Malm, B&B Water Association to the two positions reserved for Merced County on the JPA Governing Board and approve the water rates for the Associations to be effective for calendar year 2008.

AUTHORIZED CONTRACT NO. 2007283 AS RECOMMENDED AYES: ALL

HEALTH

24. Contract with Rick's Expansive Educational Services to provide HIV Education and Prevention Outreach activities as outlined in Scope of Work for FY 2007-2008.

AUTHORIZED CONTRACT NO. 2007285 AS RECOMMENDED AYES: ALL

25. Review Contract Amendment with Riggs Ambulance Service for consistency with County Contracting provisions and authorize Chairman to sign.

AUTHORIZED CONTRACT NO. 2003162 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

26. Approval of the FY 2006-2007 Area Plan Year End Report for the Merced County Area Agency on Aging.

AUTHORIZED CONTRACT NO. 2007286 AS RECOMMENDED AYES: ALL

MENTAL HEALTH

27. Contract with Fresno County Behavioral Health for coordination of mental health services due to the January 1, 2008 county boundary line change.

AUTHORIZED CONTRACT NO. 2007287 AS RECOMMENDED AYES: ALL

28. Contract with Resource Development Associates for Consulting Services for Prevention and Early Intervention Plan and approve budget transfer-\$67,875.00. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2007288 AS RECOMMENDED AYES: ALL

ASSESSOR

29. Contract with Fresno County for coordination of Assessor's services due to the January 1, 2008 county boundary line change and declare Contract No. 2007243 null and void.

AUTHORIZED CONTRACT NO. 2007289 AS RECOMMENDED AYES: ALL

LIBRARY

30. Authorize Merced County Main Library to close Monday, December 24, and Monday, December 31, 2007 for Christmas Eve and New Year's Eve.

APPROVED AS RECOMMENDED AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

31. Authorize submission of Application to the State Employment Development Department for California Gang Reduction, Intervention and Prevention (CalGRIP) Initiative for funds up to \$400,000 to implement strategies for youth between the ages of 14-24 involved in gangs, or at risk of gang involvement and authorize the Workforce Investment Director to return to the Board if awarded for Board approval and processing of funding documents.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

32. Authorize Contract with Fresno County for coordination of Sheriff services due to the January 1, 2008 County boundary line change.

AUTHORIZED CONTRACT NO. 2007290 AS RECOMMENDED AYES: ALL

DEPT. OF ADMIN. SERVICES

33. Declare miscellaneous office furniture, office equipment and computer hardware listed on Exhibit A as Surplus Property and authorize its disposal by Internet Public Auction to be conducted by Public Surplus LLC.

APPROVED AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

34. Resolution certifying the Final Subsequent Environmental Impact Report for the Redevelopment Plan for the Castle Airport Aviation and Development Center Redevelopment Project and adopt the Findings of Fact and Statement of Overriding Conditions.

ADOPTED RESOLUTION NO. 2007-190 AS RECOMMENDED AYES: ALL

AUDITOR

35. Contract with Fresno County for coordination of Auditor-Controller and Treasurer-Tax Collector services due to the January 1, 2008 County boundary line change and approve incorporating this area into the County's Secured Property Tax Teeter Plan and approve the purchase and apportionment of the delinquent property taxes by the Auditor-Controller.

AUTHORIZED CONTRACT NO. 2007219 AS RECOMMENDED AYES: ALL

36. Approve releasing the \$253,396.57 in Trust to Community Action Agency upon signing an Indemnity Agreement to protect the County should the County become liable for any of their grants, finding this is required as the Dept. of Health and Human Services has closed out the Head Start Grant and the County no longer has a claim on these funds.

AUTHORIZED CONTRACT NO. 2007294 AS RECOMMENDED AYES: ALL

COUNSEL

37. Authorize the Election Solutions Provider (Stephen N. Trout) to conduct a review of the processes and procedures of the Elections Office, provide recommendations regarding best practices and assist in developing training materials and procedure manuals.

AUTHORIZED CONTRACT NO. 2007292 AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

38. Adopt the 2008 Legislative Agenda with any revisions as recommended by the Board, authorize the Board Chair and Executive Officer to periodically provide letters of support or opposition as needed based on any benefit or detriment to the County of Merced and direct Staff to forward the 2008 Legislative Agenda to Merced County's legislative representatives and advocates.

APPROVED AS RECOMMENDED AYES: ALL

39. Amendment to Contract with Demsey, Filliger & Associates to provide actuarial services for the requirements under the Government Accounting Standards Board (GASB) Statement 45, Accounting and Financial Reporting by Employers for Postemployment Benefits Other than Pensions (OPEB).

AUTHORIZED CONTRACT NO. 2007073 AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

40. Commerce, Aviation and Economic Development Revolving Loan Fund Loan Administration Board – Reappointed Loretta Garcia, Bill Kitchen and Denard Davis representing Business Person At Large until December 22, 2009 and Paul Gallegos (representing District 1), Steve Tinetti (representing District 2), Noah Williams (representing District 3) and Elaine Post

(representing District 5) until December 22, 2011.

APPROVED AS RECOMMENDED AYES: ALL

41. Workforce Investment Board – Appointed Nancy Ugarte (representing Private Sector) until June 30, 2011.

APPROVED AS RECOMMENDED AYES: ALL

42. Deferred Compensation Standing Committee – Appointed James Fincher (representing Counsel), Patricia Wissert (representing IEMC representative and Gerard Verderber (representing Sheriff's Sergeant's Association) until March 1, 2011.

APPROVED AS RECOMMENDED AYES: ALL

43. Franklin County Water District – Reappointed Anthony Norman and appointed Thomas Driscoll until December 5, 2011.

APPROVED AS RECOMMENDED AYES: ALL

44. Volta Community Services District – Appointed Amanda Dorris until December 5, 2010.

APPROVED AS RECOMMENDED AYES: ALL

PLANNING

45. Authorize the Williamson Act Contracts for 2007 (24 total). (Held over from December 11, 2007)

REVIEW BOARD ORDER – SEE PAGES 16 AND 17

UC COOPERATIVE EXTENSION

46. Contract with University of California to maintain a University of California Cooperative Extension office in Merced County consisting of Farm, Home Economics and 4-H Youth Development Advisors to educate and carry out research in these areas for the benefit of the people of Merced County.

AUTHORIZED CONTRACT NO. 2007284 AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

47. Public Works re: Contract Award to Greg Opinski Construction for the Bedesen Beach Restroom Remodel at Lake Yosemite Park.

AUTHORIZED CONTRACT NO. 2007255

48. Commerce, Aviation and Economic Development re: Comcast Cable price adjustments.

49. Quad Knopf re: Notice of Preparation - City of Gustine will be Lead Agency and will prepare a Program Environmental Impact Report (EIR) for the City of Gustine Redevelopment Plan. (On file with Clerk)

50. State Water Resources Control Board re: California Clean Water State Revolving Fund (CWSRF) Loan Program Survey.

51. State Water Resources Control Board re: 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. (On file with Clerk)

52. San Joaquin Valley Air Pollution Control District re: Notice of Public Workshops on the Draft 2008 PM2.5 Plan.

53. State Water Resources Control Board re: Notice of Opportunity for Public Comment on a proposed amendment to the Water Quality Control Plan for the Sacramento River and San

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

Joaquin River Basins (Basin Plan) for the Control of Diazinon and Chlorpyrifos Runoff into the Sacramento and Feather Rivers.

**ADOPTED RESOLUTION IN MEMORY OF ROBERT HUGHES AND ADJOURNED
THE MEETING UNTIL TUESDAY, JANUARY 8, 2008 AT 10:00 A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – DECEMBER 18, 2007

10:00 A.M. ADDED AGENDA ITEM **2007-12-18 EXECUTIVE OFFICE**

The Clerk announces subsequent to posting of the Agenda for the Board Meeting of December 18, 2007, the need for action arose for funding for the homeless population.

Upon motion of Supervisor Crookham, seconded by Supervisor O'Banion, duly carried, the Board finds the need to take action arose subsequent to posting of the December 18, 2007, Agenda and places the item on the agenda for consideration.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board approves the funding set aside by Human Services Agency of up to \$15,000 to reimburse Sierra Presbyterian Church the actual shelter costs and authorizes the Human Services Agency Director to negotiate a contract for shelter services with Sierra Presbyterian Church, with approval of the County Executive Office, County Counsel and Auditor's Office and authorizes the Chairman to sign Contract No. 2007297, as deemed necessary.

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

10:00 A.M. SCHEDULED ITEM **2007-12-18 PUBLIC OPPORTUNITY**

Grant Wilson, Merced, states he met with County officials to discuss an emergency ordinance adopted by the Board of Supervisors in May 2005 and the proposed Ordinance that prohibits medical marijuana dispensaries in Merced County. He submits a document entitled "Medical Cannabis Dispensing Collective and Local Regulation" and requests the Board not make a decision today on the Proposed Ordinance to prohibit medical marijuana dispensaries in Merced County.

Maureen McCorry, Planada, states concern with conflicts between written and oral responses from the County regarding a Public Records Request she submitted October 19, 2007, and asks the Board direct staff to comply with the Public Records Act and County Counsel submit a letter describing in detail what the County can or cannot provide regarding the General Rule Exemption under CEQA. She requests the Board stop parceling down agriculture land and states she will be submitting a Public Records Request regarding the General Plan Steering Committee.

Ed Gassaway, Atwater, questions previous medical marijuana ordinance action as an emergency and states he believes a dispensary would be helpful to the area.

Diana Westmoreland invites the Board to attend the California Women for Agriculture (CWA) convention scheduled for January 11 – 13, 2008, and reviews the conference outline stating she will be installed as the State CWA President.

Sam Matthews, Merced, states concern with local law enforcement and medical marijuana issues advising Merced County does not respect other County's medical marijuana cards. He requests staff contact him to discuss this matter.

Tom Grave, Merced, states concern that the CAA homeless shelter is not open yet and advises the Presbyterian Church at Yosemite and M Streets is currently providing shelter. He reviews the funds collected and costs of providing the shelter and states the Board's action today will assist in providing these needed services.

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

10:00 A.M. SCHEDULED ITEM
2007-12-18 PRESENTATION

The Board presents a plaque and certificate recognizing Merced County/UC Cooperative Extension (UCCE) 90th Year Anniversary to County Director and 4-H Youth Development Advisor Richard Mahacek.

UCCE Associate Vice President Rick Standiford states appreciation of the partnership the UCCE has with the County. Mr. Mahacek submits 4-H information packets, introduces current and retired UCCE employees and introduces Diane Penders, representing Master Gardeners, which is a new program being installed.

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

10:00 A.M. SCHEDULED ITEM
2007-12-18 PLANNING – PUBLIC HEARING – ORDINANCE NO. 1830

The time and date previously set for a public hearing to consider Proposed Ordinance submitted by the Planning Department. The Clerk reads the Ordinance by title only: "An Ordinance Adopting a Permanent Prohibition on Medicinal Marijuana Dispensaries" (Adds Chapter 6.70 to Title 6 of the Merced County Code).

Development Services Director Robert Lewis reviews the Staff Report.

Planner Oksana Newmen reviews the powerpoint presentation and recommendations.

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, 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.

Sam Matthews, Merced, speaks in opposition of the Proposed Ordinance, reviews and distributes a list of Government Codes advising patients need a convenient dispensary.

Grant Wilson, Merced, refers to the document submitted during Public Opportunity entitled "Medical Cannabis Dispensing Collective and Local Regulation" and speaks in opposition of the Proposed Ordinance.

Ed Gassaway, Atwater, refers to a Court Order from San Diego County requiring Dispensaries and speaks in opposition of the Proposed Ordinance.

Los Banos Police Chief Chris Gallagher, Merced Police Chief Russ Thomas and Atwater Police Chief Richard Hawthorne speak in support of the Proposed Ordinance, review their concerns with problems associated with medicinal marijuana dispensaries and advise their respective jurisdictions do not have such dispensaries.

The Chairman closes the public hearing.

County Counsel James Fincher responds to concerns advising the following:

- Merced County was involved in the Court Order from San Diego and there was a settlement Stipulation and Order to enact the Card Program and Merced County is in compliance. The Order did not mention dispensaries and State Law does not mandate dispensaries.
- The statements relative to the 2005 temporary moratorium pending outcome of the San Diego lawsuit has nothing to do with today's action.

Following discussion and upon motion of Supervisor Nelson, seconded by Supervisor Kelsey, duly carried, the Board determines the proposed Ordinance is exempt from CEQA and adopts Ordinance No. 1830 as recommended.

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

10:00 A.M. SCHEDULED ITEM
2007-12-18 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a public hearing to consider Sole Sourcing an Energy and Water Conservation Retrofit Contract with Siemens Building Technologies for fifteen (15) Merced County Facilities in compliance with Government Code Section 4217.13.

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

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

Merced County Farm Bureau Executive Director Diana Westmoreland Pedrozo requests a water supply study be prepared.

The Chairman closes the public hearing.

Upon motion of Supervisor Nelson, seconded by Supervisor O'Banion, duly carried, the Board finds the project qualifies as a Class I Categorical Exemption – Minor Alteration to Existing Facilities pursuant to California Environmental Quality Act (CEQA) at the Sandy Mush Correctional Complex.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board takes the following action:

1. Continues the public hearing for the energy and water conservation component for the 15 Merced County facilities to April 15, 2008 at 10:00 a.m.
 2. Determines that it is in the best interest to enter into a contract with Siemens Building Technologies to install energy and water conservation measures associated with the temporary and permanent water treatment systems with related infrastructure improvements at the Sandy Mush Road Correctional Complex.
 3. Finds that the funds for the repayment of the financing of the cost of installation and operation of the energy and water conservation measures, except for capital costs for the temporary and permanent water treatment systems previously, budgeted, are projected to be available from funding that otherwise would have been used for the purchase of electrical and other utilities required by the County of Merced in the absence of the energy and water conservation measures.
 4. Authorizes the Chairman to sign all agreements for the energy and water conservation measures associated with the temporary and permanent arsenic water treatment systems and their related infrastructure improvements only at the Sandy Mush Correctional Complex with Siemens Building Technologies, Inc. (Contract No. 2007298) and Siemens Water Technologies Corporation (Contract No. 2007299) after review by Public Works and Counsel.
- Ayes: Pedrozo, Crookham, Nelson, Kelsey, O'Banion

10:00 A.M. SCHEDULED ITEM

2007-12-18 COUNTY COUNSEL – PUBLIC HEARING – ORDINANCE NO. 1831

The time and date previously set for a public hearing to consider Proposed Ordinance submitted by County Counsel. The Clerk reads the Ordinance by title only: An Ordinance Authorizing a Master Development Agreement for the Development of the Castle Airport, Aviation and Development Center.

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

Ayes: Pedrozo, Crookham, Nelson, Kelsey

Absent: O'Banion

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

The Chairman closes the public hearing.

Upon motion of Supervisor Kelsey, seconded by Supervisor Nelson, duly carried, the Board, pursuant to Government Code Section 25515.2, authorizes implementation of a Master Development Agreement for the Management and Development of the former Castle Air Force Base in a "joint venture" context and adopts Ordinance No. 1831.

Ayes: Pedrozo, Crookham, Nelson, Kelsey

Absent: O'Banion

10:00 A.M. SCHEDULED ITEM
2007-12-18 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider 2007 Cycle IV General Plan Amendment as follows: General Plan Amendment No. GPA07-007, County of Merced, Public Hearing held on December 4, 2007, submitted by Planning.

Development Services Director Robert Lewis reviews the Staff Report.

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

The Chairman closes the public hearing.

Upon motion of Supervisor Crookham, seconded by Supervisor O'Banion, duly carried, the Board approves General Plan Amendment No. GPA07-007 submitted by the County of Merced, adopts 2007 Cycle IV General Plan Amendment and adopts Resolution No. 2007-186.

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

10:00 A.M. SCHEDULED ITEM
2007-12-18 PUBLIC WORKS – PUBLIC HEARING – ORDINANCE NO. 1832

The time and date previously set for a public hearing to consider a Proposed Ordinance submitted by Public Works. The Clerk reads the Ordinance by title only: An Ordinance Amending Refuse Service Fees and Charges for County Solid Waste Franchise Areas (Amends Merced County Code Chapter 5.90 and Ordinance No. 1790).

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

Public Works Director Paul Fillebrown reviews the Staff Report and advises staff supports the proposed rate increases.

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

The Chairman closes the public hearing.

Upon motion of Supervisor Crookham, seconded by Supervisor Nelson, duly carried, the Board adopts Ordinance No. 1832.

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

10:00 A.M. SCHEDULED ITEM
2007-12-18 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider a Resolution to amend the Agricultural Preserve in conformance with the requirements of the Land Conservation Act of the 1965 (Williamson Act) Section 51200 et. seq. of the California Government Code submitted by Planning.

Development Services Director Robert Lewis reviews the Staff Report.

Planner Dave Gilbert reviews the powerpoint presentation.

Assistant Planning Director Bill Nicholson distributes a Modified Staff Report dated December 18, 2007.

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

Maureen McCorry, Valley Land Alliance of Planada, states she was unable to obtain the Staff Report on this matter prior to the hearing and asks for clarification on the proposal before the Board. She requests the matter be continued so the public has an opportunity to review the information.

Merced County Farm Bureau Executive Director Diana Westmoreland Pedrozo speaks in favor of expanding the agricultural preserve of the areas that are being annexed into the County and asks if there were landowners in the area that do not want to be part of the Agriculture Preserve.

Assistant Planning Director Bill Nicholson responds and states the Dos Palos City Manager indicated he did not have requests for annexation by the landowners at this time and Alternative One is reflective of this. There were no requests from landowners to be included or excluded from the preserve; however, there are landowners with Williamson Act Contracts and they are required to be in the preserve. This action must be done today to get the Williamson Act contracts completed by the end of the year.

The Chairman closes the public hearing.

Mr. Nicholson also states the Staff Report (Board Agenda Item) and Resolution were available to the public prior to the meeting, the list attached to the resolution lists every eligible parcel and Map No. 2 reflects parcels not currently in contract which are further away from city limits that could qualify under Merced County rules to be in the preserve.

Following lengthy discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board finds the proposal is exempt from CEQA under Section 15317 – "Open Space Contracts or Easements" of the CEQA Guidelines; adopts the Resolution approving the Agricultural Preserve Amendment in accordance with the requirements of the Land Conservation Act of 1965 (Williamson Act) Section 51200 et. Seq. of the California Government Code and adopts Resolution No. 207-187.

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

CONSENT ITEM NO. 14

2007-12-18 BOARD OF SUPERVISORS

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board authorizes Certificates of Recognition to Louise King for the Rollo Spina Leader Award and Les McCabe for the Tak Date Service Award and to the following individuals for their commitment and dedication as 4-H Volunteers:

Emerald Clover Award (45 years): Our Lady of Fatima 4-H - Frank Gallichio and Helen Gallichio.

Sapphire Clover Award (35 years): Countywide 4-H - Georgia Stepp and Hilmar Colony 4-H - Bethany Smith.

Ruby Clover Award (30 years): Los Banos Community 4-H - Kirsten Areias and McSwain 4-H - Louise Farley.

Diamond Clover Award (20 years): Ballico-Cressey 4H - JoAnn Mires and Merced River 4-H - Barbara Burroughs.

Pearl Clover Award (15 years): Hilmar Colony 4-H - Doreen Snyder; Le Grand 4H - Debra Farinelli; St. Anthony's 4-H - Michelle Dodson and Weaver 4-H - Carter Luxon and Katie Luxon.

Gold Clover Award (10 years): Countywide 4-H - Carl Estrella; Lancers 4-H - Juanita Pedrozo; Our Lady of Fatima 4-H - Delores Jorge.

Silver Clover Award (5 years): Ballico-Cressey 4-H - Brian Evans; Countywide 4H - Marissa Mahecek and Paul Mahacek; El Nido 4-H - Marsha Vaz; Hilmar Colony 4-H - Dina Brindeiro, Michele Livak and Margaret Wickstrom; Lancers 4-H - Derek Nance; Le Grand 4-H - Mary Kay Haas; Los Banos Community 4-H - Bret Hendrickson and Carol Moore; McSwain 4-H - Darlene McIntyre and Toby Soares; Merced River 4-H - Lisa Reyes, Sandy Sherman, Janet Taylor, George Yorba and Lisa Yorba; Our Lady of Fatima 4-H - Christine Kinseley, Colleen Lopes and Mary Petroni; Plainsburg 4-H - Elisa Asbury; Snelling 4-H - Larry Auldridge, Danielle Latona, Steven Latone and John Ribsion; St. Anthony's 4-H - Debbie Cozzitorto and Weaver 4-H - Marline Hill.

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

ACTION ITEM NO. 45

2007-12-18 PLANNING

The Clerk announces the Williamson Act Contracts for 2007 submitted by Planning are before the Board for consideration.

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board approves and authorizes the Chairman to sign the following Williamson Act Contracts with the following property owners:

- WA07-002 Hodgdon Enterprises LP
- WA07-015 Aurora & David Perales
- WA07-019 Nancy Deniz
- WA07-020 Rick & Carmen Worrell
- WA07-021 Carmen Kaye Worrell
- WA07-027 Kevin D. Olds
- WA07-032 Lois Howard Chestnutt, Trustee for Roy H. Howard Testamentary Trust
- WA07-033 Cecilia B. Cardoza Trust & Cecilia B. Cardoza, as Trustee
- WA07-034 Koda Farms Inc.

- WA07-035 Maria P. Guteirrez
- WA07-036 Edward Lee McTaggart, Trustee for the Robert L. McTaggart and Phylis Gail McTaggart Family Trust – 1991
- WA07-037 Donald J. Sorg Living Trust
- WA07-038 Trademark Holding Company
- WA07-039 Bertie Jones Howard (Estate)
- WA07-040 John Edward Jones & Patricia Marie Jones
Joseph J. Orlando & June E. Orlando
- WA07-041 John Edward Jones & Patricia Marie Jones
- WA07-042 Eyvonne Malm
- WA07-043 Barry J. Malm & Nicolette D. Malm
- WA07-045 James E. Linneman, Carol Linneman, Molly Linneman individually and as Trustee under the Will of Mike Linneman
- WA07-046 William Everett Cantrell III and Tamera Jill Cantrell
- WA07-047 William Everett Cantrell III and Tamera J. Cantrell
- WA07-048 William Everett Cantrell III and Tamera J. Cantrell
- WA07-049 Tama T. Koda

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