

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, JANUARY 29, 2008
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

JOHN PEDROZO.....DISTRICT 1
CHAIRMAN 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 - 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): Red v. County of Merced, U.S. Eastern District Court Case No. 1:06-CV-01003; and California Farm Bureau v. County of Merced, Fox Hills, RPI - Merced Superior Court Case No. 150015

THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED STAFF HAS BEEN 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 7

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Public Works-\$79,117; Sheriff-\$2,265, \$359,100 and \$30,000
APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 13)
APPROVED AS RECOMMENDED AYES: ALL

PUBLIC WORKS - PUBLIC HEARING

To consider Termination of Maintenance of portion of Bellevue Road that lies West of Fox Road to its end at the West side of Canal Creek, being located approximately 1 mile northeast of the City of Atwater.

RECOMMENDATION: Make a Finding this road segment is unnecessary for the public convenience because it does not provide the

primary access to adjacent properties, the traffic using this segment is intermittent and of low volume, the segment has been impassable for the general public for more than six months and there is no demand that it be reopened; Adopt Resolution, and authorize continued maintenance of a gate previously installed across said roadway by the Merced Irrigation District; Authorize the Public Works Director to supervise the maintenance of said gate, to regulate the distribution of keys and to post a sign at said terminus point giving public notice that said road segment is no longer maintained by Merced County.

REVIEW BOARD ORDER – SEE PAGE 7

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider Proposed Ordinance: An Ordinance amending the Operation of Water and Sewer Systems at Castle Airport Commerce Center and charges related thereto (Amends Chapter 5.48 of the County Code and supercedes Ordinance No. 1814)

RECOMMENDATION: Waive further reading and adopt Ordinance

REVIEW BOARD ORDER – SEE PAGES 7 AND 8

AUDITOR - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider: An Ordinance to amend County Clerk and Recorder Fees as an Urgency (Amends Ordinance No. 1773 and 1769 and Chapter 5.36 of the County Code)

RECOMMENDATION: Waive further reading and adopt Ordinance

REVIEW BOARD ORDER – SEE PAGE 8

REPORTS/BOARD DIRECTION

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

CONSENT CALENDAR (Items #1 - 13)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve and authorize Chairman to sign Amendment to Contract No. 2006183 with SCS Engineers for the Highway 59 Landfill Gas Collection and Control System.
2. Approve and authorize Chairman to sign Amendment to Contract No. 2005007 with Mark Thomas & Company for the Campus Parkway Project report.

Human Services Agency

3. Approve and authorize Chairman to sign Amendment to Contract No. 2005128 with Public Works for Reduced Cost Transportation Program.
4. Approve and authorize Chairman to sign Amendment to Contract No. 2003134 with Public Works for No Cost Transportation Program.

Fire

5. Approve and authorize Chairman to sign Renewal to Contract No. 2005019 with California Dept. of Forestry and Fire Protection (Cal-Fire) for FY 07/08 and adopt Resolution.

ADOPTED RESOLUTION NO. 2008-13

Ag. Commissioner

6. Approve and authorize Chairman to sign Amendment to Contract No. 2000138 with California Dept. of Food and Agriculture for Pierce's Disease Control Program and adopt Resolution.

ADOPTED RESOLUTION NO. 2008-14

Dept. of Administrative Services

7. Declare miscellaneous office furniture, office equipment, computer hardware, industrial equipment and aircraft labeled on Exhibit A as surplus property and authorize its disposal.

Executive Office

8. Approve Travel Requests for Commerce, Aviation and Economic Development and Sheriff as recommended.
9. Approve Budget Transfer received from Mental Health in the amount of \$6,000 as recommended by Executive Office.
10. Act on Claims for Damages received from Anthony Gois (2007-1214, H.S.A., 2007-1215, Probation and 2007-1216, Breaking the Cycle Group Home) and refer to Risk Management and Counsel.

Board of Supervisors

11. Approve Minutes of November 20, 27 and December 4, 11 and 18, 2007 as submitted.

Board Recognition

12. Authorize Certificate of Recognition to Nobie Reynolds in recognition of 40 years of dedicated service to the City of Merced.
13. Authorize Certificate of Recognition to Merced Lao Family Community in recognition of 2008 Merced Hmong New Year Celebration.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

14. Contract with Moore and Associates for The Bus - Merced County Transit for advertising, marketing and promotions.

AUTHORIZED CONTRACT NO. 2008027 AS RECOMMENDED AYES: ALL

15. Contract with Mapleton Communications DBA Radio Merced for display advertising on Merced County Transit Buses.

AUTHORIZED CONTRACT NO. 2008028 AS RECOMMENDED AYES: ALL

HEALTH

16. Renewal Contract with San Joaquin County Health Services for a grant from State Dept. of Health for Immunization Registry Services and approve budget transfer-\$22,560. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2006282 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

17. Amendment to Contract with Aspira Foster and Family Services for Youth Housing and Supportive Services and approve budget transfer-\$3,120. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2007103 AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

18. Resolution adopting the Castle Airport Minimum Standards for Commercial Aeronautical Activities.

ADOPTED RESOLUTION NO. 2008-15 AS RECOMMENDED AYES: ALL

19. Contract with Hunt's Water Services to operate and manage the Castle water system.

AUTHORIZED CONTRACT NO. 2008029 AS RECOMMENDED AYES: ALL

PLANNING

20. Determine the approval of agricultural conservation easements are exempt from CEQA in accordance with Section 15317 of the CEQA guidelines and adopt Resolution approving the use of California Dept. of Conservation grant funds for the purchase of agricultural conservation easements.

ADOPTED RESOLUTION NO. 2008-16 AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

21. 2008 Boards/Committees/Commissions Assignments. (Held Over)

REVIEW BOARD ORDER – SEE PAGE 8

22. Authorize Certification Statement for the composition of the Merced County Local Child Care and Development Planning Council as required by the California Dept. of Education.

APPROVED AS RECOMMENDED AYES: ALL

23. Resolution supporting an increase in the State Air Resources Allocation of Proposition 1B funding for the San Joaquin Valley and the Air Pollution Control District and authorize the Chairman to sign a letter in support.

ADOPTED RESOLUTION NO. 2008-17 AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

24. Assessment Appeals Board – Reappointed Dudley Goul representing Attorney category until September 4, 2010.

APPROVED AS RECOMMENDED AYES: ALL

25. Planada Recreation Committee – Reappointed Gerald Salcido, John Martinez, Sofia Pena Ersilia, Virginia Mejia, Elida Angel, Amanda Chavez and Laura Saldana until July 12, 2011.

APPROVED AS RECOMMENDED AYES: ALL

26. Le Grand Municipal Advisory Council – Reappointed Bart Ramirez, Scott Porter and Robert Smith until December 7, 2011.

APPROVED AS RECOMMENDED AYES: ALL

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

27. Merced County Local Child Care and Development Planning Council – Reappointed Reginal Wolf representing Child Care Provider, Barbara Weaver representing Community and Marilyn Scorby representing Public Agency until June 1, 2008.

APPROVED AS RECOMMENDED AYES: ALL

28. San Joaquin Valley Unified Air Pollution Control District Citizens Advisory Committee – Reappointed Mary-Michal Rawling representing Environmental Primary Member until January 31, 2011.

APPROVED AS RECOMMENDED AYES: ALL

29. Merced County Law Library – Appointed Thomas Curry as President and Paul C. Lo as Vice-President for 2008.

REVIEW BOARD ORDER – SEE PAGE 9

30. Winton Municipal Advisory Council – Appointed Ernie Solis until March 31, 2012.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

APPROVED AS RECOMMENDED EXCEPT ITEM NO. 31 BEING PULLED FROM THE AGENDA AYES: ALL

31. Public Works re: Notification of American Tower Corporation (formerly Tower Asset Sub, Inc.) is exercising its option to renew per Section 4 of Contract No. 2003091.

REMOVED FROM THE AGENDA – NO ACTION TAKEN

32. Mariposa County Board of Supervisors re: Notice of action taken, Adoption of Resolution encouraging the University of California, Board of Regents to support UC Merced's efforts to plan and establish a School of Medicine in the San Joaquin Valley.

33. State Water Resources Control Board re: Nonpoint Source (NPS) Implementation Program - 2007 Report.

34. State Water Resources Control Board re: Board Meeting of February 6, 2008 at 10:00 a.m.

35. State Water Resources Control Board re: Bay Delta information and mailings.

ADJOURNED MEETING UNTIL TUESDAY, FEBRUARY 19, 2008 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JANUARY 29, 2008

10:00 A.M. SCHEDULED ITEM
2008-01-29 PUBLIC OPPORTUNITY

Grant Wilson, Merced, reviews his meeting with Supervisor Crookham and Counsel Fincher regarding concerns on the ban on medical marijuana dispensaries. He states he still has concerns and requests the Board look at this matter from a patient's point of view.

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

10:00 A.M. SCHEDULED ITEM
2008-01-29 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a public hearing to consider Termination of Maintenance of a portion of Bellevue Road that lies West of Fox Road to its end of the westside of Canal Creek, located approximately one mile northeast of the City of Atwater.

Public Works Director Paul Fillebrown reviews the Staff Report.

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

Upon motion of Supervisor Nelson, seconded by Supervisor Kelsey, duly carried, the Board finds the road segment is unnecessary for the public convenience because it does not provide the primary access to adjacent properties, the traffic using this segment is intermittent and of low volume, the segment has been impassable for the general public for more than six months and there is no demand that it be reopened; authorizes continued maintenance of a gate previously installed across said roadway by the Merced Irrigation District; authorizes Public Works Director to supervise the maintenance of said gate, to regulate the distribution of keys and to post a sign at said terminus point giving public notice that said road segment is no longer maintained by Merced County and adopts Resolution No. 2008-12.

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

10:00 A.M. SCHEDULED ITEM
2008-01-29 COMMERCE AVIATION AND ECONOMIC DEVELOPMENT – PUBLIC HEARING – ORDINANCE NO. 1833

The time and date previously set for a public hearing to consider a Proposed Ordinance regarding the Operation of Water and Sewer Systems at Castle Commerce Center and charges related thereto (Amends Chapter 5.48 of the County Code and supercedes Ordinance No. 1814, 1788, 1765 and 1736) submitted by Commerce Aviation and Economic Development.

Commerce Aviation and Economic Development Director John Fowler reviews the Staff Report and Powerpoint Presentation.

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

Following discussion and upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading of the Proposed Ordinance and adopts Ordinance No. 1833.

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

10:00 A.M. SCHEDULED ITEM

2008-01-29 AUDITOR-CONTROLLER-RECORDER – ORDINANCE NO. 1834

The time and date previously set to consider an Urgency Ordinance Adopting Merced County Clerk and County Recorder Fees (Amends Ordinance No. 1773 and 1769 and Chapter 5.36 of the County Code) submitted by the Auditor-Controller/Recorder/Clerk.

Auditor-Controller/Recorder/Clerk Stephen Jones reviews the Staff Report.

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

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board waives further reading of the Proposed Ordinance and adopts Ordinance No. 1834 as an Urgency Ordinance.

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

ACTION ITEM NO. 21

2008-01-29 BOARD OF SUPERVISORS

The Clerk announces the 2008 Board/Committees/Commissions Assignments are before the Board for consideration.

The Chairman states the Board/Committees/Commissions Assignments List should reflect the following changes: The Children Systems Care Policy and Planning Council should reflect Supervisor O'Banion as the Primary and Supervisor Nelson as the Alternate Members and the 99 Corridor Committee has been disbanded and should taken off the list.

Following discussion, the Board directs the 2008 Board/Committees/Commissions Assignments be placed on February 19, 2008 Board Agenda with a change showing the following are Board appointments and not Board assignments: LAFCo, Retirement Board and Workforce Investment Board.

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

ACTION ITEM NO. 29

2008-01-29 LAW LIBRARY BOARD OF TRUSTEES

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board appoints Thomas Curry, representing the Bar Association as President, and Paul C. Lo, representing the Bar Association as Vice-President, to serve as members of the Merced County Law Library Board of Trustees until January 1, 2009.

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