

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, MAY 13, 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](http://www.co.merced.ca.us)**

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

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INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE

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**TESTIMONY IS LIMITED TO FIVE MINUTES PER PERSON**  
**THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA**

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: Castle Property

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL -**

**SIGNIFICANT EXPOSURE TO LITIGATION:** It is the intention of the Board to meet in Closed Session to consider Significant Exposure pursuant to Government Code Section 54956(b): Four Cases

**THE BOARD RECESSES AT 9:00 A.M. WITH SUPERVISORS PEDROZO AND NELSON NOT PRESENT AND RECONVENES AT 10:00 A.M. WITH ALL MEMBERS PRESENT**

**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**

**PRESENTATIONS**

(1) Proclamation - Rail Safety Week

**NO PRESENTATION**

(2) Merced County Economic Development Administration Comprehensive Economic Development Strategy (CEDs)

**REVIEW BOARD ORDER – SEE PAGE 12**

(3) Recognition - Orelia "Ory" Rhodes for donation to American Cancer Society

**REVIEW BOARD ORDER – SEE PAGE 13**

10:00 A. M. **BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) District Attorney-\$50,000; Health-\$50; Mental Health-\$15,000 and \$33,000

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items #1 - 51)

**APPROVED AS RECOMMENDED AYES: ALL**

10:00 A.M. **PUBLIC WORKS - PUBLIC HEARING**

To consider Freeway Agreement for the Northern Realignment of State Route 152 around Los Banos and the associated resulting changes to County roads and adopt Resolution approving Contract with Caltrans for improvement of State Route 152 between the Delta Mendota Canal and 0.9 miles east of Santa Fe Grade

**REVIEW BOARD ORDER – SEE PAGE 13**

**COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PUBLIC HEARING**

To consider the commitment of Program Income Funds to Community Development Block Grant (CDBG)-eligible activities under Grant #5-EDBG-2201 and adopt Resolution committing \$90,000 of CDBG Program Income for the Castle Airport Terminal Project

**REVIEW BOARD ORDER – SEE PAGES 13 AND 14**

**COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PUBLIC HEARING**

To consider Resolution declaring one acre of land within the Castle Airport Aviation and Development Center as Surplus for the purpose of sale to Thomas C. McIlhatton finding the provisions of Government Code Section 54222 and 65402 do not apply and authorize Contract for conveyance of real property, approve Quitclaim Deed and the related sale/merger documents.

**REVIEW BOARD ORDER – SEE PAGE 14**

**REPORTS/BOARD DIRECTION**

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

1:30 P. M. **JOINT STUDY SESSION WITH BOARD OF SUPERVISORS AND PLANNING COMMISSION – Merced County General Plan Update**

**REVIEW BOARD ORDER – SEE PAGES 16 AND 17**

CONSENT CALENDAR (Items #1 - 51)

**APPROVED AS RECOMMENDED      AYES: ALL**

Public Works

1. Adopt Resolution designating the intersection of Cottonwood Road and Ingomar Road as an All-Way Stop Intersection in the Gustine area and authorize installation of Stop Signs on the east, west and southern approaches.  
**ADOPTED RESOLUTION NO. 2008-55**
2. Adopt Resolution forming Minor Subdivision No. 05-045 into the Giesbrecht Street Lighting Maintenance Zone of Benefit No. 271 in County Service Area Number 1.  
**ADOPTED RESOLUTION NO. 2008-56**
3. Adopt Resolution annexing APN 052-390-044 into the Hillcrest Street Lighting, Drainage and Sewage Maintenance Zone of Benefit No. 318 in County Service Area No. 1.  
**ADOPTED RESOLUTION NO. 2008-57**
4. Adopt Resolution annexing Minor Subdivision No. 03061 into the Hillcrest Street Lighting, Drainage and Sewage Maintenance Zone of Benefit No. 318 in County Service Area No. 1.  
**ADOPTED RESOLUTION NO. 2008-58**
5. Adopt Resolution forming APN 042-101-006 into the Ballico Street Lighting and Drainage Maintenance Zone of Benefit No. 272 in County Service Area No. 1.  
**ADOPTED RESOLUTION NO. 2008-59**
6. Adopt Resolution annexing Minor Subdivision No. 05068 into the B & B Rancheros Street Lighting and Drainage Maintenance Zone of Benefit No. 220 in County Service Area No. 1.  
**ADOPTED RESOLUTION NO. 2008-60**
7. Adopt Resolution annexing Minor Subdivision No. 06004 into the Atwater Acres Street Lighting and Drainage Maintenance Zone of Benefit No. 212 in County Service Area No. 1.  
**ADOPTED RESOLUTION NO. 2008-61**
8. Adopt Resolution annexing Minor Subdivision No. 05047 into Westwood Street Lighting Zone of Benefit No. 211 in County Service Area No. 1.  
**ADOPTED RESOLUTION NO. 2008-62**
9. Adopt Resolution annexing Minor Subdivision Application No. 04041 into the Glenwood Estates Street Lighting and Drainage Zone of Benefit No. 229 in County Service Area No. 1.  
**ADOPTED RESOLUTION NO. 2008-63**
10. Adopt Resolution annexing Minor Subdivision Application No. 04037 into the Fleming Acres Street Lighting and Drainage Zone of Benefit No. 227 in County Service Area No. 1.  
**ADOPTED RESOLUTION NO. 2008-64**
11. Adopt Resolution annexing APN 146-132-004 into the Winton Meadows Drainage Maintenance Zone of Benefit No. 242 in County Service Area No. 1.  
**ADOPTED RESOLUTION NO. 2008-65**
12. Adopt Resolution forming Minor Subdivision No. 06042 into the Petaluma Street Lighting Maintenance Zone of Benefit No. 125 in County Service Area No. 1.  
**ADOPTED RESOLUTION NO. 2008-66**
13. Approve and authorize Chairman to sign Amendment to Contract No. 2005132 with Laidlaw Transit Services, Inc. for Daily Transit Operations.

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14. Approve and authorize Chairman to sign Amendment to Contract No. 2003186 with Advanced Clean Up Technologies, Inc. for Remediation of Hazardous Materials Spills on County Roadways.
15. Approve and authorize Chairman to sign Amendment to Contract No. 2004404 with Aero Tech Surveys for Aerial Photogrammetric Consultant services.

#### Mental Health

16. Approve and authorize Chairman to sign Amendment to Contract No. 2007018 with JDT Consultants for Therapeutic Behavioral Services.
17. Approve and authorize Chairman to sign Renewal Contract No. 2004017 with Merced County Office of Education for transfer of funds for children's mental health services as prescribed in Government Code Section 7570.
18. Approve and authorize Chairman to sign Renewal Contract No. 2004136 with Joseph Melton, LMFT for Certification Review Hearing Officer services.
19. Approve and authorize Chairman to sign Renewal Contract No. 2007178 with Merced Drug for Pharmacy Services.
20. Approve and authorize Chairman to sign Renewal Contract No. 2004184 with RMC Homes, Inc. for Board and Care Home services.
21. Approve and authorize Chairman to sign Renewal Contract No. 2006018 with Healthy House within a Match Coalition for Interpreter services.
22. Approve and authorize Chairman to sign Renewal Contract No. 2004006 with Davis Guest Home for specialized residential placement for clients in need of assisted living.
23. Approve and authorize Chairman to sign Amendment to Contract No. 2001127 with Calif. State University-Stanislaus for placement of student interns to complete their field practicum requirements with Mental Health.
24. Approve and authorize Chairman to sign Renewal Contract No. 2007220 with State Dept. of Rehabilitation for Cooperative Agreement to provide Vocational Rehabilitation.

#### **ADOPTED RESOLUTION NO. 2008-67**

25. Approve and authorize Chairman to sign Renewal Contract No. 2004167 with Merced Faculty Associates (MFA) for Consumer Physicals at the Marie Green Facility.

#### Human Services Agency

26. Approve and authorize Chairman to sign Renewal Contract No. 2004116 with Merced County Office of Education for Vocational Training Services.
27. Approve and authorize Chairman to sign Renewal Contract No. 2004379 with Hilmar Unified School District for Child Welfare Social Worker services.
28. Approve and authorize Chairman to sign Amendment to Contract No. 2001102 with Calif. Statewide Automated System Consortium IV (C-IV) for Welfare and Employment Services Automated Services.
29. Approve and authorize Chairman to sign Amendment to Contract No. 2004155 with CareAccess for Q Continuum software system.

30. Proclaim May, 2008 as Employment Services Professionals Awareness Month in Merced County.

#### Health

31. Approve and authorize Chairman to sign Renewal Contract No. 2007234 with 21st Century Environmental Management Inc. (EMI) of Nevada for Household Hazardous Waste Disposal.
32. Proclaim May 18 - 24, 2008 as Emergency Medical Services Week in Merced County.

#### Fire

33. Approve and authorize Chairman to sign Amendment to Contract No. 2006251 with Merced Community College for Firefighting Training.

#### Dept. of Workforce Investment

34. Proclaim May, 2008 as Workforce Development Professionals Month in Merced County.

#### District Attorney

35. Approve and authorize Chairman to sign Contract No. 2007148 with Governor's Office of Emergency Services for continued participation in the Victim/Witness Assistance Program and adopt Resolution.

#### **ADOPTED RESOLUTION NO. 2008-68**

#### Sheriff

36. Approve and authorize Chairman to sign Amendment to Contract No. 200198 with Mental Health for officer meal food services to the Marie Green Psychiatric Center.
37. Approve and authorize Chairman to sign Amendment to Contract No. 2004232 with Merced County Jail Ministry for Ministry Services to the inmates housed in the correctional facilities.
38. Approve and authorize Chairman to sign Amendment to Contract No. 2005273 with Merced College for Correctional Officer Core Academy.

#### Ag. Commission

39. Adopt Resolution for Contract No. 2006187 for Bee Colony Inspections for Red Imported Fire Ant.

#### **ADOPTED RESOLUTION NO. 2008-69**

#### Executive Office

40. Act on Claim for Damages submitted by Maximillian Eddie Vargas (2008-052) as recommended by Risk Management.
41. Approve Travel Request submitted by Human Services Agency as recommended by Executive Office.
42. Approve Budget Transfers submitted by Ag. Commission-\$26,541 and Sheriff-\$7,500 and \$6,843 as recommended by Executive Office.

## Board of Supervisors

43. Set public hearing for June 10, 2008 at 5:00 p.m. to consider an Appeal received from Valley Land Alliance to Planning Commission decision on Minor Subdivision Application No. MS07-058 submitted by Chris Robinson.
44. Set public hearing for July 1, 2008 at 10:00 a.m. to consider an Appeal received from Housing Authority of the County of Merced to Planning Commission decision on 1st Modification No. MM07-025 to Conditional Use Permit No. CUP05-031 and Minor Deviation No. MD08-004 submitted by Housing Authority.

## Board Recognition

45. Authorize Certificate of Recognition and plaque to Mark Bodley in recognition of 40 years of service to Los Banos Unified School District.
46. Authorize Certificate of Recognition to Mary Jones, Ed.D. in recognition for being selected as 2008 ACSA Curriculum and Instruction Administrator of the Year.
47. Authorize Certificate of Recognitions to Firefighters of the Year recognized by the American Legion Post 83 for Atwater-Captain Brian McDonald and Reserve Firefighter Chris DeMelo; Merced County-Engineer Mark Pimentel and PCF Mike Kleiber, Volunteer; Dos Palos-PCF Luis Herrera Martinez, Volunteer; Gustine-PCF Mike Martin, Volunteer; Los Banos-Captain Mason Hurley; Merced City-Engineer Ryan Wells; Livingston-David Bates, Volunteer and Good Samaritan Awards for Merced City-Mrs. Vivian Ramsay and Merced County-Wade Chapman, Michael Ray Goodwin and Ryan Crevolin.
48. Authorize Certificates of Recognition for the American Red Cross Merced/Mariposa Counties Chapter Awards: Sharon Lohmna-Animal Rescue; Jarvis Hall-Good Samaritan Adult; Nathan Hoekstra-Good Samaritan Youth; Jason Hart, Jeremy Salyers, Dan Dabney, Brian Bowen and Renaldo Alvarez-Law Enforcement; Seth Powell-Medical; Tom and Pat Larkin-Spirit of American Red Cross and Javier Garcia-Workplace Hero.
49. Authorize Certificates of Recognition for Merced County Hispanic Chamber of Commerce Awards to Maria Torres-Perez, Dr. Angelica Ruiz, Lucinda R. Martinez, Dr. Eugenia Garcia and Claudia Corchado.
50. Authorize Certificates of Recognition to The Greater Merced Chamber of Commerce Junior Leadership Merced Awards.

### **REVIEW BOARD ORDER – SEE PAGE 14**

51. Authorize Certificate of Recognition to John and Eva Sass in celebration of their 60th Wedding Anniversary.

## REGULAR CALENDAR

### BOARD ACTION

#### PUBLIC WORKS

52. Resolution waiving the 90 day Notice of Relinquishment of Right of Way per Section 73 of the Streets and Highways Code that was omitted from the original Relinquishment of Highway Right-of-Way on the Delhi Freeway Project as shown on Right of Way

Relinquishment Map No. 15931 with Caltrans in Resolution No. 2005-185.

**ADOPTED RESOLUTION NO. 2008-70 AS RECOMMENDED AYES: ALL**

53. Authorize circulation of Request for Proposal (RFP) to qualified Environmental Assessment and Remediation firms for the development of remediation options for subsurface and/or surface contamination at the DPW-Administration Complex Site; authorize Public Works to review and rank proposals as well as negotiate a contract for special services with qualified firm and authorize Contract No. 2008033 with Public Works to return and report to the Board with actions taken.

**APPROVED AS RECOMMENDED AYES: ALL**

54. Approve plans and specifications for the Airfield Access Control Gate System and Rehabilitate Taxiway Lighting Castle Airport Improvement Projects and authorize Public Works to return to the Board for contract award.

**APPROVED AS RECOMMENDED AYES: ALL**

**HUMAN SERVICES AGENCY**

55. Authorize submission of Community Foundation of Merced County Application in the amount of \$2,000 for foster youth services with Grant award to come back to the Board if awarded.

**APPROVED AS RECOMMENDED AYES: ALL**

56. Contract Amendment with Mental Health for Mental Health Services and approve budget transfer-\$106,928. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2004117 AS RECOMMENDED AYES: ALL**

57. Contract Amendment with Mental Health for Alcohol and Drug Services.

**AUTHORIZED CONTRACT NO. 2004118 AS RECOMMENDED AYES: ALL**

**HEALTH**

58. Contract with Human Services Agency and Probation Department for Early and Periodic Screening and Diagnosis for Child Health and Disability Prevention Program services.

**AUTHORIZED CONTRACT NO. 2008084 AS RECOMMENDED AYES: ALL**

59. Contract with Human Services Agency and Probation for Public Health Nursing services for children in Foster Care.

**AUTHORIZED CONTRACT NO. 2008085 AS RECOMMENDED AYES: ALL**

**FIRE**

60. Authorize purchase of Trailer and Two Shelters for Mobile Emergency Medical Supplies Trailer with funds from FY 2006 Homeland Security Grant Program and authorize issuance of Invitation for Bid, select the most responsive provider and issue Purchase Order and report back to the Board on final action and approve budget transfer-\$10,800.

**AUTHORIZED CONTRACT NO. 2008181 AS RECOMMENDED AYES: ALL**

**DEPT. OF WORKFORCE INVESTMENT**

61. Contract with Merced College-Los Banos Campus for PLATO Basic Education services.

**AUTHORIZED CONTRACT NO. 2008086 AS RECOMMENDED AYES: ALL**

62. Contract with Merced Adult School for Basic Education Services.

**AUTHORIZED CONTRACT NO. 2008087 AS RECOMMENDED AYES: ALL**

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63. Contract with Manpower, Inc. for Employment Related Services.

**AUTHORIZED CONTRACT NO. 2008088 AS RECOMMENDED AYES: ALL**

SHERIFF

64. Contract with Media Solutions, Inc. for construction of Surveillance System that meets with Governor's Office of Homeland Security and Merced County standards.

**AUTHORIZED CONTRACT NO. 2008089 AS RECOMMENDED AYES: ALL**

DEPT. OF ADMIN. SERVICES

65. Declare Miscellaneous Office furniture, office equipment, library books, Fire Department water tenders and a Fire Truck labeled on Exhibit A as Surplus Property and authorize its disposal through Internet Public Auction to be conducted by Public Surplus, LLC.

**APPROVED AS RECOMMENDED AYES: ALL**

66. Contract with CivicPlus for website design and development for the County of Merced web page.

**AUTHORIZED CONTRACT NO. 2008090 AS RECOMMENDED AYES: ALL**

MENTAL HEALTH

67. Contract with Sylmar Health & Rehabilitation Center for State Licensed Mental Health Rehabilitation Center services.

**AUTHORIZED CONTRACT NO. 2008091 AS RECOMMENDED AYES: ALL**

68. Authorize to research space availability in the Merced area for the Mental Health Department for Alcohol and Drug Outpatient Services, Judicial Programs and Cal Works Services and return to the Board for contract award.

**APPROVED AS RECOMMENDED AYES: ALL**

69. Authorize Chairman to sign Letter from the Community Alcohol Working Group on behalf of Merced County.

**REVIEW BOARD ORDER – SEE PAGE 15**

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

70. Contract with Vision Airlines for Scheduled Airline Service and approve Vision Community Event Day at Castle Airport on May 31, 2008.

**REVIEW BOARD ORDER – SEE PAGE 15**

BOARD OF SUPERVISORS

71. Authorize \$250,000 of Special Board Project Funds-District Two to be forwarded to the Merced Theater Foundation as a match for grant for restoration of the Merced Theater and approve the necessary budget transfer.

**REVIEW BOARD ORDER – SEE PAGE 16**

72. Authorize \$3,500 of Special Board Project Funds-District Four to be forwarded: \$1,750-Merced County Sheriff's Explorer Post 322 for support of neighborhood watch and other community program and \$1,750-Winton CLEO (Community Law Enforcement Office) for support of their programs in the community of Winton.

**APPROVED AS RECOMMENDED AYES: ALL**

73. Authorize \$5,000 of Special Board Project Funds-District Three to be forwarded to the Atwater Rotary to assist with the purchase of picnic tables and approve the necessary budget transfer.

**APPROVED AS RECOMMENDED      AYES: ALL**

74. Adopt Resolution relative to public censure of elected official, M. Stephen Jones, Merced County Auditor-Controller and approve remedial action against Mr. Jones.

**ADOPTED RESOLUTION NO. 2008-71 AS RECOMMENDED      AYES: ALL**

#### **BOARD APPOINTMENTS**

75. Workforce Investment Board – Appointed Brenda Callahan-Johnson, representing Community Action Partnership, until June 30, 2010.

**APPROVED AS RECOMMENDED      AYES: ALL**

76. Delhi Municipal Advisory Council – Reappointed Robert Nolte until January 3, 2012.

**APPROVED AS RECOMMENDED      AYES: ALL**

77. Advisory Board on Alcohol and Other Drug Problems – Appointed Daniel Nielson, Human Services Agency representative, to serve at the Pleasure of the Board, accept resignations from David Baker, Reverend A.N. Adelsberger and Mary Mou and authorize removal of Condon McConville.

**APPROVED AS RECOMMENDED      AYES: ALL**

78. Housing Authority - Assignment of terms for appointments made on April 29, 2008 as follows: Patrick Bowman to serve until February 18, 2010 and Charles Reyburn and Mary Stillahn to serve until February 18, 2012.

**APPROVED AS RECOMMENDED      AYES: ALL**

#### **BOARD INFORMATION & POSSIBLE ACTION**

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

79. Public Works re: Castle Airport Dioxin Remediation - Pacific Liners Pipeline Rehabilitation, Change Order No. 2 in the amount of \$83,000.

**AUTHORIZED CONTRACT NO. 2007244**

80. Dept. of Admin. Services re: Internet Auction Proceeds - Period of January 1, 2008 through March 31, 2008, net proceeds amounted to \$5,711.06.

81. Dos Palos-Oro Loma Joint Unified School District re: Resolution 07-08-14 regarding the increase of school facilities fees as authorized by Government Code Section 65995 and Education Code Section 17620.

82. CSAC re: 2008 Challenge Awards - Call for Entries.

83. State Water Resources Control Board re: Resolution No. 2008-0026, Development of a Policy to protect Wetlands and Riparian Areas in order to restore and maintain the water quality and beneficial uses of the waters of the State.

84. Riverside County Board of Supervisors re: Medi-Cal Funding for Mental Health Services.

85. State Fish and Game Commission re: Notice of additional hearing to receive comments on Initial Study/Negative Declaration regarding nuisance Canada geese control orders.

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**ADOPTED RESOLUTION IN MEMORY DICK GROEFSEMA AND ADJOURNED MEETING UNTIL TUESDAY, MAY 20, 2008 AT 10:00 A.M. WITH ALL MEMBERS PRESENT.**

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## **BOARD ORDERS – SUMMARY ACTION MINUTES – MAY 13, 2008**

### **10:00 A.M. SCHEDULED ITEM** **2008-05-13 PUBLIC OPPORTUNITY**

Grant Wilson, Merced, requests his constitutional rights and State law not be violated and refers to Merced Sun Star article regarding Small Claims ruling on a medical marijuana case relative to seized marijuana. Mr. Wilson refers to Proposition 215 and Senate Bill 420 stating a lawsuit will be filed on the Claim the Board rejected and requests the permanent ban on medical marijuana dispensaries be taken off and requests Staff contact him.

Supervisor Nelson responds stating Merced County has issued letters to Mr. Wilson on March 27, 2008, and Mr. Mathews on April 1, 2008, from the County Executive Officer concerning the County's responsibility and states Proposition 215 only requires the County to issue dispensary cards which has been done and SB 420 does not require Medical Marijuana Dispensaries.

Tom Grave, Merced, states concern with the lack of jobs in Merced County and refers to a Merced Sun Star article on Green Jobs Forum scheduled May 15, 2008 and urges the public to attend.

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

### **10:00 A.M. SCHEDULED ITEM** **2008-05-13 PRESENTATION**

Scott Galbraith, Merced County Economic Development Corporation Executive Director, provides the information on the Comprehensive Economic Development Strategy (CEDS) and submits a list of projects identified by Merced County and the six cities within the County and reviews the powerpoint presentation.

The Board discusses the Enterprise Zone progress and approval and Supervisor Kelsey requests to be informed on the progress of a northern wastewater treatment plant.

Mr. Galbraith states final determination concerning the Enterprise Zone is scheduled for August 1, 2008, following the Certification of the Environmental Impact Report.

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

**10:00 A.M. SCHEDULED ITEM**

**2008-05-13 PRESENTATION**

The Board presents a Certificate of Recognition to Orelia "Ory" Rhodes for her unselfish livestock donation in the amount of \$13,000 to the American Cancer Society.

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

**10:00 A.M. SCHEDULED ITEM**

**2008-05-13 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously set for a public hearing to consider Freeway Agreement for the Northern Realignment of State Route 152 around Los Banos and the associated resulting changes to County roads and adoption of Resolution approving contract with Caltrans for improvement of State Route 152 between the Delta Mendota Canal and 0.9 miles east of Santa Fe Grade submitted by Public Works.

Public Works Director Paul Fillebrown reviews the Staff Report.

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

The Chairman closes the public hearing.

Supervisor O'Banion suggests the County should not allow new homes to be built in the right of ways so that the County is not required to move new homes in the future.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Nelson, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2008081 with the California Department of Transportation for State Route 152 northern realignment around Los Banos from the Delta Mendota Canal to 0.9 miles east of Santa Fe Grade and adopts Resolution No. 2008-52.

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

**10:00 A.M. SCHEDULED ITEM**

**2008-05-13 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT – PUBLIC HEARING**

The time and date previously set for a public hearing to consider the commitment of Program Income Funds to Community Development Block Grant (CDBG)-eligible activities under Grant #5-EDBG-2201 and consideration of Resolution committing \$90,000 of CDBG Program Income for the Castle Airport Terminal Project submitted by Commerce, Aviation and Economic Development (CAED).

Commerce, Aviation and Economic Development Director John Fowler reviews the Staff Report and advises if the \$90,000 is not utilized by July 1, 2008, the County will lose that funding.

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

The Chairman closes the public hearing.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board commits \$90,000 of the CDBG Program Income to Grant #5-EDBG-2201 for the Castle Airport Terminal Project and adopts Resolution No. 2008-53.

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

**10:00 A.M. SCHEDULED ITEM**

**2008-05-13 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT – PUBLIC HEARING**

The time and date previously set for a public hearing to consider a resolution declaring one acre of land within the Castle Airport Aviation and Development Center as surplus for the purpose of sale to Thomas C. McIlhatton finding the provisions of Government Code Section 54222 and 65402 do not apply submitted by Commerce, Aviation and Economic Development.

Commerce, Aviation and Economic Development Executive Director John Fowler reviews the Staff Report and maps of the subject area.

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

The Chairman closes the public hearing.

Following discussion and upon motion of Supervisor Pedrozo, seconded by Supervisor Nelson, duly carried, the Board Finds the provision of Government Code Section 54222 and 65402 do not apply and declares one acre of land within the Castle Airport Aviation and Development Center as Surplus for the purpose of sale to Thomas C. McIlhatton, approves the sale and approves and authorizes the Chairman to sign Contract No. 2008082 for Conveyance of Real Property, the Quitclaim Deed and related Sale/Merger documents and adopts Resolution No. 2008-54.

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

**CONSENT ITEM NO. 50**

**2008-05-13 BOARD OF SUPERVISORS**

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board authorizes Certificates of Recognition for selection by the Greater Merced Chamber of Commerce and Junior Leadership Merced Graduation Class 4: Golden Valley High School – Jimmi Atwal, Hilary Bauer, Anthony Mallory, Andrea Ramos, San Saepanh, Eric Spencer and Pa Thor; Merced High School – Ana Avelar, Ashley DeAnda, Tynan Pedretti, Grecia Sanchez, Allen Taggart; Livingston High School – Ivonne Lopez; Independence High School – Joshua Ooka and Mia Yarbrough and Yosemite High School – Adilene Ortiz.

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

**ACTION ITEM NO. 69**

**2008-05-13 MENTAL HEALTH**

The Clerk announces the Letter from the Community Alcohol Working Group is before the Board for consideration as recommended by Mental Health.

The Board discusses the proposed letter to the property managers and owners of rental residences to be signed by the County and the City of Merced Mayor and the UC Merced Chancellor.

Director of Special Programs Robert Smith states the proposed letter addresses partnerships with management of rental units in the City of Merced and in the unincorporated areas of the County which is separate from the proposed Social Host Ordinance that was previously before the Board.

Following discussion, the Board agrees if the City of Merced, County of Merced and UC Merced are not all included, there is no value in this letter.

Following discussion, the Board directs the matter go back to staff for further discussion.  
Present: Crookham, Pedrozo, Nelson, Kelsey, O'Banion

**ACTION ITEM NO. 70**

**2008-05-13 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT**

The Clerk announces the Contract with Vision Airlines for Scheduled Airline Service is before the Board for consideration as recommended by Commerce, Aviation and Economic Development.

Commerce, Aviation and Economic Development Director John Fowler states this is the first step for the proposal to begin airline service at Castle Airport in July 2008.

Director of Business Development for Vision Airlines Warren Kaplan speaks to the advantages of airline service at Castle Airport and states the proposed contract is subject to approval of the Department of Transportation and Federal Aviation Administration.

Following discussion, Supervisor O'Banion moves, seconded by Supervisor Nelson, the Board approve and authorize the Chairman to sign Contract No. 2008092, Agreement in Principle (Letter of Intent), with Vision Airlines to provide airline service at Castle Airport.

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

Rich Bassart (Merced) speaks in opposition and questions the economic benefit.

The Board discusses and reviews the reuse of Castle.

The Chairman calls for a vote on the motion. Motion carries.

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

**ACTION ITEM NO. 71**

**2008-05-13 BOARD OF SUPERVISORS**

The Clerk announces expenditure of Special Board Project Funds-District Two in the amount of \$250,000 for the Merced Theater Foundation as a match for a grant for restoration is before the Board for consideration.

Supervisor Pedrozo states he feels the expenditure is excessive.

Supervisor Nelson states concern with the amount of the requested expenditure from the General Fund under current economic situation.

Chairman Crookham states she has kept these funds for one specific project instead of using for a variety of smaller projects.

Supervisor O'Banion state he, too, has held onto District Five funds for a community center in South Dos Palos and he feels expenditure of special board project funds should be allowed as recommended by each individual board member.

Supervisor Kelsey reviews District Four funds expenditures and states concern with the amount of funds being requested and the timing due to budget situation.

Bryant Owens questions what Board Members have spent over the last few years.

The Board continues the matter to May 20, 2008, with information to be provided on prior expenditures.

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

**1:30 P.M. SCHEDULED ITEM**

**2008-05-13 JOINT STUDY SESSION WITH PLANNING COMMISSION**

The time and date previously set for a Joint Study Session with the Planning Commission concerning the Merced County General Plan Update.

Board Chairman Crookham calls the meeting to order.

Planning Commissioner Vice Chairman Lynn Tanner, District Two representative, introduces Planning Commissioners present Rudy Buendia, District One and Cindy Lashbrook, District Four.

Development Services Director Robert Lewis reviews the Staff Report.

Jim Harnish, Guiding Principal for Mintier & Associates, reviews the powerpoint presentation.

Al Sokolo, UC Davis Professor, summarizes and highlights agricultural related policy options.



David Zinter, Economic and Planning Systems, highlights policy options relative to economic development.

Bob Klausner highlights natural resources.

Derek DiManno, Project Manager, reviews land use.

Dale Koontz, Mintier & Associates, reviews circulation issues.

Mr. Harnish and Mr. Klausner review climate change issues.

The Board Members and Planning Commissioners discuss and comment on the issues presented.

Supervisor O'Banion states Child Care needs to be addressed in the General Plan update.

Commissioner Lashbrook states concern with communication within/between focus groups.

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

Melissa Kelly Ortega (Merced) states the need for a separate air quality element included in the Plan and objects to New Towns.

Steve Madison (Building Industry Association) states the BIA is willing to work with the County on ag. land mitigation.

Diana Westmoreland Pedrozo (Merced County Farm Bureau Executive Director) questions new towns and comments on climate change, energy industry, cumulative impacts and local service community district services.

Jean Okuye (Livingston) reads and submits "Ahwahnee Principles" document.

Mary-Michael Rawling (Merced) questions where health care fits into the plan.

Collette Alvarnaz (Livingston) speaks relative to land use for agriculture, growth plans targeting commuters violating AB 32, water issues, parcels getting smaller, grading, ag. mitigation/farmland preservation, small towns, bicycle paths and stresses the overall importance of land, energy and water supply.

Tom Grave (Merced) speaks relative to water issues, growth management ordinance, grading ordinance.

The Board adjourns until the next Joint Study Session for the Merced County General Plan.  
Present: Board Members Crookham, Pedrozo, Nelson, Kelsey, O'Banion  
Planning Commissioners Tanner, Buendia and Lashbrook