

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, JUNE 10, 2008  
Closed Session – 4:00 p.m.  
Regular Meeting – 5:00 p.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**

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

**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

4:00 P. 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): County of Merced v. Patrick P. O'Connell, et al., Merced Co Superior Ct Case No. 149514

**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): Two Cases

**THE BOARD RECESSED AT 4:00 P.M. AND RECONVENED AT 5:00 P.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED THERE WAS NOTHING TO REPORT**

**GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)**

5:00 P. 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**

**PRESENTATION**

HEALTH - Environmental Health Fees, Review and Update  
**RECEIVED REPORT**

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**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) Commerce, Aviation and Economic Development-\$28,085, \$146,099; \$11, \$90,000 and \$6,300; District Attorney-\$7,810 and \$103,368; Dept. of Admin. Services-\$5,000; Health-\$86,810; Human Services Agency-\$30,000 and \$10,009 and Mental Health-\$44,000 and Court Operations-\$90,000

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items #1 - 49)

**APPROVED AS RECOMMENDED EXCEPT ITEM #36 AYES: ALL**

5:00 P. M.

**PLANNING - PUBLIC HEARING - INTENDED DECISION**

Community Plan No. CP07-004, Parallel Zone Change No. ZC08-002, Agricultural Preserve Amendment No. APA08-001 - Hilmar Community Plan Update - To consider the Hilmar Community Plan Update, an amendment of the Merced County General Plan; related re-zonings; and withdrawal of land from the Merced County Agricultural Preserve, in an area generally located east of Scholar Way, west of Turlock Irrigation District Lateral 7, and extending 1/4 mile north of American Avenue and 1/4 mile south of Geer Avenue in the County of Merced

**REVIEW BOARD ORDER – SEE PAGES 12 AND 13**

**PLANNING - PUBLIC HEARING**

To consider Appeal of Planning Commission approval of Minor Subdivision Application/Parcel Map Waiver No. 07-058 - Chris Robinson. Said application is proposed to divide parcels (194.52 acres, 516.80 acres & 315.88 acres) totaling 1,027.20 acres into 3 parcels of: Parcel 1=198.63 acres, Parcel 2=343.18 acres, Parcel 3=165.63 acres and Remainder Parcel=320.14 acres of property located on the east side of Highway 59, 1/2 mile north of Youd Road in the Snelling area

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

**PLANNING - PUBLIC HEARING - PROPOSED ORDINANCE, POSSIBLE ADOPTION**

To consider 2008 Cycle 1 General Plan Amendment: Hilmar Community Plan CP07-004, Zone Change Application ZC08-002 and Agricultural Preserve Amendment Application APA08-001 Recommendation: Approve 2008 Cycle 1 General Plan Amendment and adopt Ordinance and Resolution

**REVIEW BOARD ORDER – SEE PAGE 14**

**REPORTS/BOARD DIRECTION**

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

CONSENT CALENDAR (Items #1 - 49)

**APPROVED AS RECOMMENDED      AYES: ALL**

Public Works

1. Set public hearing for July 1, 2008 at 10:00 a.m. to consider proposed Resolution relative to Fire Facilities Impact Fee Schedule.
2. Set public hearing for July 1, 2008 at 10:00 a.m. to consider Proposed Ordinance amending and adjusting all Building Permit Fees (Amends Sections 16.12.010 through 16.49.020 of the Merced County Code and Ordinance No. 1817).
3. Set public hearing for July 1, 2008 at 10:00 a.m. to consider Proposed Ordinance adjusting the Fees for Improvement Plan Review and Construction Inspection of Subdivision Projects and Miscellaneous Document Review and Processing (Amends Section 16.080.030.D.3 and D.4 of the Merced County Code and Ordinance No. 1816)
4. Set public hearing for July 1, 2008 at 10:00 a.m. to consider Proposed Ordinance to increase Fees for Processing and Examining Parcel Maps, Subdivision Maps and Record of Survey Maps (Amends Section 17.040.020 of the Merced County Code and Ordinance No. 1818).
5. Set public hearing for July 1, 2008 at 10:00 a.m. to consider Proposed Ordinance to Adjust the Fees for Encroachment Permit Fees (Amends Section 13.30.030 of the Merced County Code and Ordinance No. 1819).
6. Set public hearing for July 1, 2008 at 10:00 a.m. to consider Resolution adjusting the Fees for Santa Nella Bridge and Major Thoroughfare Area of Benefit.
7. Set public hearing for July 1, 2008 at 10:00 a.m. to consider Resolution adjusting the Fee for Franklin-Beachwood Bridge and Major Thoroughfare Area of Benefit.
8. Set public hearing for July 1, 2008 at 10:00 a.m. to consider Resolution adjusting Fees for the Atwater Rural Residential Center Bridge and Major Thoroughfare Area of Benefit.
9. Set public hearing for July 1, 2008 at 10:00 a.m. to consider Resolution adjusting the Fees for the Planada Bridge and Major Thoroughfare Area of Benefit.
10. Set public hearing for July 1, 2008 at 10:00 a.m. to consider Resolution adjusting the Fees for the Hilmar Bridge and Major Thoroughfare Area of Benefit.
11. Set public hearing for July 1, 2008 at 10:00 a.m. to consider Resolution adjusting the Fees for the Winton Bridge and Major Thoroughfare Area of Benefit.
12. Set public hearing for July 1, 2008 at 10:00 a.m. to consider Resolution adjusting the Fees for the Delhi Bridge and Major Thoroughfare Area of Benefit.
13. Set public hearing for July 1, 2008 at 10:00 a.m. to consider Proposed Ordinance adjusting Fees for the Regional Transportation Impact Fee (RTIF) Program.
14. Authorize termination of Contract No. 2001236, Amendment No. 11 with Shaw Environmental, Inc. covering the design of a transfer station at Billy Wright Landfill and direct Public Works to issue written Notice of Termination pursuant to Section 7 of the Contract.

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## Mental Health

15. Approve and authorize Chairman to sign Renewal Contract No. 2007161 with Dr. Jonathan Harry for Psychiatric Services.
16. Approve and authorize Chairman to sign Renewal Contract No. 2008059 with Mother Cynthia's Residential Care Facility for specialized residential placement for clients in need of assisted living.
17. Approve and authorize Chairman to sign Renewal Contract No. 2005232 with California Psychiatric Transitions for mental health rehabilitation center services.
18. Approve and authorize Chairman to sign Renewal Contract No. 2007221 with Catholic Healthcare West for mental health services at Family Care Clinic.
19. Approve and authorize Chairman to sign Renewal Contract No. 2007265 with Rebekah Children's Services for Therapeutic Behavioral Services.
20. Approve and authorize Chairman to sign Renewal Contract No. 2004149 with Value Options Inc. for special mental health services and approve the necessary budget transfer-\$10,000.

## Human Services Agency

21. Approve and authorize Chairman to sign Renewal Contract No. 2006159 with Governor's Office of Emergency Services for funding to operate the Child Abuse Treatment Program (CHAT) Grant and authorize the Auditor to sign necessary documentation.
22. Approve and authorize Chairman to sign Renewal Contract No. 2004398 with Central California Legal Services, Inc. for Senior Legal Assistance Program.
23. Approve and authorize Chairman to sign Renewal Contract No. 2007181 with Valley Caregiver Resource Center for National Family Caregiver Support Program.
24. Approve and authorize Chairman to sign Renewal Contract No. 2007182 with Alz Care, Inc. for Alzheimer's Day Care Resource Center.
25. Approve and authorize Chairman to sign Renewal Contract No. 2004249 with California Dept. of Aging for Health Insurance Counseling and Advocacy Program (HICAP) and adopt Resolution.

### **ADOPTED RESOLUTION NO. 2008-85**

26. Approve and authorize Chairman to sign Renewal Contract No. 204222 with Calif. Dept. of Aging for Area Plan Contracts for Title III, VII, IIIE and CBSP Programs and adopt Resolution.

### **ADOPTED RESOLUTION NO. 2008-86**

## Health

27. Approve and authorize Chairman to sign Renewal Interdepartmental Contract No. 2000224 with Human Services Agency for Social Worker III services in conjunction with First Steps Project.
28. PULLED

## Sheriff

29. Approve and authorize Chairman to sign Amendment to Contract No. 2004326 with Ivers & Alcorn Funeral Home for deceased removal services.

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30. Approve and authorize Chairman to sign Amendment to Contract No. 2004327 with Stratford Evans Funeral Chapel for deceased removal services.
31. Approve and authorize Chairman to sign Renewal Contract No. 2005040 with Sentinel Offender Services, LLC for home surveillance of inmates housed at their residence.
32. Set public hearing for July 1, 2008 at 10:00 a.m. to consider Resolution Adjusting Fees for Law Enforcement Facilities.

#### Library

33. Set public hearing for July 1, 2008 at 10:00 a.m. to consider Resolution adopting the Merced County Library Fines and Fees Schedule.

#### Commerce, Aviation and Economic Development

34. Set public hearing for July 1, 2008 at 10:00 a.m. to consider Proposed Ordinance relating to Water and Sewer Rates and Related Charges at Castle Airport (Amends Chapter 5.48 of the County Code and Ordinance No. 1736)

#### Planning

35. Set public hearing for July 1, 2008 at 10:00 a.m. to consider Resolution to supersede Resolution No., 2007-138 concerning the Planning and Community Development Department's Development Review Fees.

#### Executive Office

36. Act on Claim for Damage (2008-063) received from Jean Anderson as recommended by Risk Management.

#### **PULLED FROM THE AGENDA – NO ACTION TAKEN**

37. Approve Budget Transfers submitted by Auditor-\$16,000; Fire-\$80; Public Works-\$700, \$17,009 and \$1,900; Retirement-\$5,300 Sheriff-\$71,000; and Spring Fair-\$23,200, \$13,000, \$42,847 and \$5,000 as recommended by Executive Office.
38. Approve Travel Request submitted by Human Services Agency as recommended by Executive Office.

#### Board of Supervisors

39. Approve Minutes of February 26, 2008 and March 11, 2008 as submitted.
40. Set public hearing for July 1, 2008 at 10:00 a.m. to consider an Appeal received from Maureen McCorry, et al to Conditional Use Permit Application No. CUP06-014.
41. Set public hearing for July 1, 2008 at 10:00 a.m. to consider an Appeal received from Maureen McCorry, et al to Conditional Use Permit Application No. CUP08-002.

#### Board Recognition

42. Authorize plaque to California Association of Equal Rights Professionals in recognition of 32 years of Evolving, Affirming and Educating.
43. Authorize Certificates of Recognition to Gregory/Anita Bell and Maynard/Colleen Medefind for years of service to the Atwater High School Fellowship of Christian Athletes.

44. Authorize Certificates of Recognition to the 2008 Senior Citizens of the Year as recognized by Human Services Agency-Area Agency on Aging.

**REVIEW BOARD ORDER – SEE PAGE 14**

45. Authorize Certificates of Recognition to Law Enforcement Officer of the Year selected by the American Legion Merced Post 83 as follows: Officer David Walker-Atwater Police; Officer Eric Warner-Gustine Police; Corporal Jose Silva-Livingston Police; Sgt. Jesse Ceja-Los Banos Police; Officer Vance Walker-Merced Police; Deputy Kevin Blake-Sheriff Operations; Corrections Officer Sam Spangler-Sheriff Corrections; Deputy D.A. Joe Tressider-District Attorney Office; Officer Dave Anderson-CHP Atwater; Officer Tom Melden-CHP Los Banos and Officer Dennis Haworth-UC Merced Police.
46. Authorize Certificate of Recognition to Victor Fanelli for selection as Hilmar Chamber of Commerce 2008 Citizen of the Year.
47. Authorize Certificate of Recognition to Jack Lesch for 18 years of service to the City of Merced.
48. Authorize plaque presentation to Our Lady of Mercy School in recognition of 80th Anniversary.
49. Authorize Certificate of Recognition to Pastor Richard Johnson in recognition of his first year with Bethesda Apostolic Faith Church.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

50. Approve Plans and Specifications for the Rehabilitation of Henry Street and authorize Public Works to return to the Board with results.

**AUTHORIZED CONTRACT NO. 2008131 AS RECOMMENDED AYES: ALL**

51. Approve Settlement Agreement and Contract accepting Grant Deed to purchase Real Property from Merced Gateway LLC for acquisition of right-of-way for the Campus Parkway Project; adopt Resolution and approve payment to Trans County Title Company for the \$1,595,458.12 plus escrow and any other transaction fees.

**AUTHORIZED CONTRACT NO. 2008111-SETTLEMENT AGREEMENT, CONTRACT NO. 200802GD FOR APN 061-250-050, CONTRACT NO. 200803GD FOR APN 061-250-079 AND ADOPTED RESOLUTION NO. 2008-87 AS RECOMMENDED AYES: ALL**

52. Approve Real Estate Contract to purchase Real Property from Lyons Investments, A Calif. Limited Partnership for acquisition of right-of-way for the Campus Parkway Project; adopt Resolution and approve payment to Trans County Title Company for the \$92,500 plus escrow and any other transaction fees and approve budget transfer-\$250,000.00.

**AUTHORIZED CONTRACT NO. 2008112-REAL ESTATE CONTRACT, CONTRACT NO. 200804GD FOR APN 061-250-016 AND ADOPTED RESOLUTION NO. 2008-88 AS RECOMMENDED AYES: ALL**

53. Approve Termination of Contract No. 2001290 with Alta Apiaries effective June 30, 2008 and approve new Contract with Alta Apiaries for a term of five years for the temporary storage and removal of beehives used in the course of Alta's activities in raising bees for pollination and the necessary and proper activities.

**AUTHORIZED CONTRACT NO. 2008113 AS RECOMMENDED AYES: ALL**

54. Authorize Contract Award to Removable Media Solutions, Inc. for installation of a Video Surveillance System at the County Corporation Yard which includes Transit, Fleet and Merced Road Shop area and approve budget transfer-\$63,915.00. (4/5)

**AUTHORIZED CONTRACT NO. 2008114 AS RECOMMENDED AYES: ALL**

55. Contract with Bryan A. Stirrat & Associates to complete design services for the Transfer Station at Billy Wright Landfill in the amount of \$466,920.

**AUTHORIZED CONTRACT NO. 2008115 AS RECOMMENDED AYES: ALL**

### MENTAL HEALTH

56. Contract with Children's System of Care Policy and Planning Council members as the administrative body charged with achieving goals set by the Welfare & Code 5866, Part 4 which includes Mental Health, Human Services Agency, Public Defender, Health, Probation, District Attorney and Juvenile Court Departments of Merced County and the Merced County Office of Education and Challenged Family Resource Center.

**AUTHORIZED CONTRACT NO. 2008132 AS RECOMMENDED AYES: ALL**

57. Contract with Larry Dumford for Licensed Board and Care facilities.

**AUTHORIZED CONTRACT NO. 2008133 AS RECOMMENDED AYES: ALL**

58. Contract with State Dept. of Mental Health for State Mandated Performance Contract and adopt Resolution.

**AUTHORIZED CONTRACT NO. 2008110 AND ADOPTED RESOLUTION NO. 2008-89 AS RECOMMENDED AYES: ALL**

59. Contract with Crestwood Behavioral Health, Inc. for services to mental health consumers.

**AUTHORIZED CONTRACT NO. 2008134 AS RECOMMENDED AYES: ALL**

60. Authorize submission of State Dept. of Mental Health 2007 Implementation Progress Report for the Mental Health Services Act - Community Services and Supports Three Year Plan covering January 1, 2007 through December 31, 2007.

**APPROVED AS RECOMMENDED AYES: ALL**

### HUMAN SERVICES AGENCY

61. Contracts with Panoramic Software Corporation for PG-Pro Web installation and licensing Agreement and Software Maintenance Agreement for use by the Public Guardian, Public Conservator and Public Administrators Programs.

**AUTHORIZED CONTRACT NO. 2008116-LICENSING AND CONTRACT NO. 2008117-SOFTWARE MAINTENANCE AS RECOMMENDED AYES: ALL**

### HEALTH

62. Contract with State Dept. of Health Care Services for Medi-Cal Administrative Activities for FY 08-09 to FY 10-11, authorize the signing of the necessary documents and adopt Resolution.

**AUTHORIZED CONTRACT NO. 2008135 AND ADOPTED RESOLUTION NO. 2008-90 AS RECOMMENDED AYES: ALL**

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COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

63. Contract Award accepting Federal Aviation Administration Grant Agreement Offer, Project No. 3-06-0364-09 installing Medium Intensity Taxiway Lighting and an Access Control and Badging System at Castle Airport; authorize Counsel to sign necessary documents and Chairman to sign the Caltrans Matching Grant Application; adopt Resolution authorizing submission of required documents to Division of Aeronautics, Calif. Dept. of Transportation; approve necessary budget transfer and return to the Board with information on actions taken.

**REVIEW BOARD ORDER - SEE PAGES 14 AND 15**

DEPT. OF ADMIN. SERVICES

64. Declare Miscellaneous Office Furniture, Office Equipment and Industrial Equipment shown as Exhibit A as Surplus Property and authorize its disposal through Internet Public Auction.

**APPROVED AS RECOMMENDED AYES: ALL**

65. Authorize participation in the GSA Cooperative Purchasing Program for the purchase of IBM xSeries 2096 C01 processor and 2105-800 supporting disk drive from Sirius Computer Solutions, Inc. CSA Contract for the Computer Main Frames and authorize signing of the necessary documents.

**AUTHORIZED CONTRACT NO. 2008136 AS RECOMMENDED AYES: ALL**

PROBATION

66. Authorize Re-Application of the Violence Against Women Specialized Unit Grant with the Office of Criminal Justice Planning and authorize the signing of the necessary documents.

**AUTHORIZED CONTRACT NO. 2005266 AS RECOMMENDED AYES: ALL**

SHERIFF

67. Rescind Resolution No. 2006-131 adopted on July 11, 2006 and adopt revised Resolution authorizing Destruction of Records, Reports and Findings relative to citizens' complaints in accordance with Penal Code Section 832.5 and internally initiated personnel complaints in accordance with Government Code Section 26202.

**ADOPTED RESOLUTION NO. 2008-92 AS RECOMMENDED AYES: ALL**

BOARD OF SUPERVISORS

68. Authorize Special Board Project Funds-District One in the amount of \$1,000 to be forwarded to the Livingston High School Sober Grad for support of their program.

**APPROVED AS RECOMMENDED AYES: ALL**

69. Authorize Special Board Project Funds-District Four to Hilmar Community Hall Board in the amount of \$1,500 to assist with purchase of chairs.

**APPROVED AS RECOMMENDED AYES: ALL**

70. Authorize Special Board Project Funds-District Four in the amount of \$8,500 to be forwarded to the Winton Community Hall Board to assist with costs of repairs to the Winton Community Hall.

**APPROVED AS RECOMMENDED AYES: ALL**

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. (Held Over)

**REVIEW BOARD ORDER – SEE PAGE 15**

**EXECUTIVE OFFICE**

72. Approve and authorize submission of the 2008 CSAC Challenge Award Applications submitted by Human Services Agency for High-Schooled Assistance Dog Program, Friday Nite Fun, Evaluation Matters, Nutritional Outreach and All Dads Matter and adopt Resolution.

**ADOPTED RESOLUTION NO. 2008-93 AS RECOMMENDED AYES: ALL**

73. Governmental Accounting Standards Board (GASB) Statement 45 - Other Post Employment Benefits - Resolution authorizing County's participation in the Public Agency Retirement Systems (PARS) Post-Retirement Healthcare Trust, adopt the Charter establishing the OPEB Retirement Investment Trust Board as a Retirement System, appoint a Plan Administrator and adopt the Recommended Actions.

**REVIEW BOARD ORDER – SEE PAGES 15 AND 16**

**BOARD APPOINTMENTS**

74. Advisory Board on Alcohol and Other Drug Problems – Reappointed Lori Newman until June 30, 2012.

**APPROVED AS RECOMMENDED AYES: ALL**

75. Lower San Joaquin Levee District – Reappointed Henry J. Favier until June 4, 2012.

**APPROVED AS RECOMMENDED AYES: ALL**

76. Boards, Commissions and Committees (BCC's), Vacant Positions and Expired Term Positions as of May, 2008.

**RECEIVED REPORT – NO ACTION REQUIRED**

**BOARD INFORMATION & POSSIBLE ACTION**

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

77. Sheriff re: FY 2006/2007 Annual Financial Reporting requirement for Inmate Welfare Trust Fund in accordance with Section 4025(e) of the Penal Code.

78. Public Works re: Notice of Contract Award to Wickum Construction for the repair of the La Grange Road Bridge over Dry Creek as authorized by Resolution No. 2004-226 and in accordance with Public Contract Code Section 20409 which allows for emergency bridge repairs.

**AUTHORIZED CONTRACT NO. 2008137**

79. San Joaquin Valley Air Pollution Control District re: Adopted 2008 PM2.5 Plan.

80. U.S. Dept., of Interior re: Copy of California Public Lands 2008 Brochure.

81. NACo re: 2008 Annual Conference Voting Credentials.

82. State Water Resources Control Board re: Petition of California Sportfishing Protection Alliance (Waste Discharge Requirements Order No. R5-2007-0113 (NPDES No.

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CA0079243) for City of Lodi, Central Valley Water Board - Board Meeting Notification - Own Motion Review.

83. State Water Resources Control Board re: Notice of Public Hearing to consider Lake Alpine Water Company's and the County of Alpine's Petition for Partial Assignment of State Filed Application (SFA) 5648 and accompanying Application 5648X07, Petition for Changes to SFA 5648 and Application 31523.
84. Central Valley Regional Water Quality Control Board re: Notice of Meeting on June 12, 2008.
85. State Water Resources Control Board re: Petition of Environmental Law Foundation (Waste Discharge Requirements Order No. R5-2007-0064 (NPDES NO. CA0078867) for Berry Petroleum Company, Poso Creek/McVan Facility, Poso Creek Oil Field, Kern County), Central Valley Water Board: Board Meeting Notification SWRCB/OCC FILE A-1871.
86. State Water Resources Control Board re: Notice of Opportunity for public comment on proposed approval of an amendment to the Water Quality Control Plan for the San Diego Basin (Basin Plan) to incorporate total maximum daily loads (TMDLs) for dissolved copper, lead, and zinc in Chollas Creek, Tributary to San Diego Bay.

**ADOPTED RESOLUTIONS IN MEMORY OF ALFRED W. SPRIGGS, JAMES L. THOMPSON, RAY VELDHUIS, FRANK GASPER, FRANK SABATO, MARGARET MARIE EGUIA, MADELINE GOMES, ARVID DOUCETTE, RALPH COVERT AND JOSIE LARA AND ADJOURNED MEETING UNTIL JUNE 17, 2008 AT 10:00 A.M.**

## BOARD ORDERS – SUMMARY ACTION MINUTES – JUNE 10, 2008

### **5:00 P.M. SCHEDULED ITEM** **2008-06-10 PUBLIC OPPORTUNITY**

Deputy County Fire Chief Stan Craig provides an update on the Weed Abatement Program in Merced County.

Maureen McCorry discusses Consent Item Nos. 40, Conditional Use Permit Application No. CUP06-014 and No. 41, Conditional Use Permit Application No. CUP08-002 for setting the public hearing dates for appeals filed and requests the Board not set the dates as they are not convenient for the appellants and instead work on mutual convenient dates.

County Counsel James Fincher reviews the County Ordinance requirements on the deadlines for Appeals to Planning Commission decisions to be heard by the Board of Supervisors and Conditional Use Permits have a deadline of 60 days which would be July 16, 2008; therefore, a wavier would be required.

Lincoln Clendenin, representing Retired Employees of Merced County (REMCO), states REMCO supports Action Item No. 73, Governmental Accounting Standards Board – Other Post Employment Benefits.

Grant Wilson, Merced, states the County is violating state law and his constitutional rights and requests the Board take off the permanent ban on Medical Marijuana Dispensaries and inquires on services rendered to participants. He also discusses concerns with the safety of children that go to the Boys and Girls Club and suggests the County give funding for transportation to the Club.

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

### **5:00 P.M. SCHEDULED ITEM** **2008-06-10 PLANNING - PUBLIC HEARING**

The time and date previously set for a public hearing to consider Community Plan No. CP07-004, Parallel Zone Change No. ZC08-002, Agricultural Preserve Amendment No. APA08-001 known as the Hilmar Community Plan Update; said application is to consider the Hilmar Community Plan Update, an amendment of the Merced County General Plan; related re-zonings; and withdrawal of land from the Merced County Agricultural Preserve, in an area generally located east of Scholar Way, west of Turlock Irrigation District Lateral 7, and extending 1/4 mile north of American Avenue and 1/4 mile south of Geer Avenue in the County of Merced.

Development Services Director Robert Lewis reviews the Staff Report.

Planner Bob King reviews the powerpoint presentation prepared by Planning staff.

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Alfredo Castillo, RRM Design Group representative, reviews the powerpoint presentation.

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 Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board makes a determination to adopt the Environmental Findings, certify the Environmental Impact Report, adopt the Statement of Overriding Considerations and makes an Intended Decision to adopt the Hilmar Community Plan (CP07-004), approve Zone Change Application (ZC08-002) and Agricultural Preserve Amendment Application (APA08-001).  
Ayes: Crookham, Pedrozo, Nelson, Kelsey, O'Banion

**5:00 P.M. SCHEDULED ITEM**  
**2008-06-10 PLANNING - PUBLIC HEARING**

The time and date previously set for a public hearing to consider Appeal of Planning Commission approval of Minor Subdivision Application/Parcel Map Waiver No. 07-058 submitted by Valley Land Alliance. Said application submitted by Chris Robinson to divide parcels (194.52 acres, 516.80 acres and 315.88 acres) totaling 1,027.20 acres into 3 parcels of: Parcel 1 = 198.63 acres, Parcel 2 = 343.18 acres, Parcel 3 = 165.63 acres and Remainder Parcel = 320.14 acres of property located on the east side of Highway 59, ½ mile north of Youd Road in the Snelling area.

Planner Dave Gilbert reviews the Staff Report and powerpoint presentation.

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

Appellant Maureen McCorry (Valley Land Alliance) states she submitted a letter and maps earlier today and objects to the fact that Planning Staff did not forward the map. Ms. McCorry states the proposed subdivision and mining application under CUP06-008 should be reviewed together including CEQA review.

Applicant Chris Robinson (Merced) speaks in support and states the subdivision will more than likely enhance the wildlife area.

Jean Okuye (Merced) expresses concern with piecemealing and changing the foothills and states a water study needs to be prepared.

The Chairman closes the public hearing.

County Counsel James Fincher recommends the Board continue any action to a future date to allow Planning Staff to review the documents submitted by Ms. McCorry and Attorney Marsha Birch with the Planning Staff to return with a Supplemental Staff Report and future testimony limited to new information brought forward.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board continues the matter to July 1, 2008, at 10:00 a.m.  
Ayes: Crookham, Pedrozo, Nelson, Kelsey, O'Banion

**5:00 P.M. SCHEDULED ITEM**

**2008-06-10 PLANNING - PUBLIC HEARING – ORDINANCE NO. 1839**

The time and date previously set for a public hearing to consider the 2008 Cycle 1 General Plan Amendment for the following project: Hilmar Community Plan CP07-004, Zone Change Application ZC008-002 and Agricultural Preserve Amendment Application APA 08-001.

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

The Chairman closes the public hearing.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board approves 2008 Cycle 1 General Plan Amendment and approves Hilmar Community Plan CP07-004, Zone Change Application ZC08-002, and Agricultural Preserve Amendment Application APA08-001; waives further reading of proposed ordinance and adopts Ordinance No. 1839 and adopts Resolution No. 2008-84.

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

**CONSENT ITEM NO. 44**

**2008-06-10 BOARD OF SUPERVISORS**

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board authorizes Certificates of Recognition to the individuals selected by various organizations as 2008 Senior Citizen of the Year: Gretchen De La Cruz-Merced/Mariposa California Retired Teachers Association, Dolores Mosley-Maples and Helen Wittecar-Atwater AARP #2194, Sobeida Gonzales-Atwater Senior Social Club, Donna Cardoza and Bill Stiles-Hilmar Senior Club, Beverly Harmon-Le Grand 50 Plus Club, Rose Mello and Manuel Mello-Los Banos Golden Agers Club, Vivian Zajac and Glenda Poliasastro-Merced AARP Chapter 282, Dolores I. Ortiz-Merced Over 50 Club, Dora Davidson and Miriam Zibinski-Merced Senior Citizens, Inc., Barbara vonPrittwitz and Karvina Davis-Merced Senior Social Club, Lillian White and Leonard Baker- Winton Senior Social Club, Betty Graham and Ruby Longcor-Delhi Seniors Club and Gloria Mendonca-Public at Large.

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

**ACTION ITEM NO. 63**

**2008-06-10 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT**

The Clerk announces the Contract Award accepting Federal Aviation Administration Grant Agreement Offer for Castle Airport (Project No. 3-06-0364-09) is before the Board for consideration.

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

Public Works Director Paul Fillebrown advises Bids have been received and the recommendation is to award Base Bid in the amount of \$360,000 and Add Alternate 3 in the amount of \$63,450.00.

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board approves and authorizes the Chairman to sign the Contracts and documents accepting the Federal Aviation Administration Grant Agreement Offer, Project No. 3-06-0364-09 as follows:

No. 2008107 with Federal Aviation Administration for Installation of Medium Intensity Taxiway Lighting (MITL) and installation of Access Control and Badging in the amount of \$482,041 for Airport Development; No. 2008108 with CalTrans for State Matching Grant Application for FAA Airport Improvement Program and authorize submission to Calif. Division of Aeronautics; Award and authorize Chairman to sign Contract No. 2008109 with Cindy Bales Engineering, Inc.; authorizes Counsel to sign associated "Certificate of Sponsor's Attorney"; approves the necessary budget transfer-\$507,412 and adopts Resolution No. 2008-91.

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

#### **ACTION ITEM NO. 71**

##### **2008-06-10 BOARD OF SUPERVISORS**

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

Supervisor O'Banion moves, seconded by Supervisor Crookham, the Board authorize \$250,000 Special Board Project Funds-District Two be forwarded to the Merced Theater Foundation as a match for Grant Restoration of the Merced Theater and approve the necessary budget transfer.

Merced Theater Foundation Treasurer Grey Roberts, E. J. Lorenzi (Merced), Bill Kirby, Lois Jimenez (Merced) and George Jerisch (Snelling) speak in support.

The Board discusses the proposed special board project expenditure, other discretionary fund expenditures and the future financial status of the County.

The Chairman calls for a vote on the motion.

Supervisors Pedrozo, Nelson and Kelsey vote "no". Motion fails.

Ayes: Crookham, O'Banion

Noes: Pedrozo, Nelson, Kelsey

#### **ACTION ITEM NO. 73**

##### **2008-06-10 EXECUTIVE OFFICE**

The Clerk announces the Governmental Accounting Standards Board (GASB) Statement 45, Other Post Employment Benefits (OPEB) is before the Board for consideration and advises

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

Recommendation No. 2 should read to appoint Chairman or Vice-Chairman, along with other recommended persons, to serve on the OPEB Retirement Investment Trust Board.

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

Lincoln Clendenin, representing Retired Employees of Merced County (REMCO), states REMCO is in support of the proposal and requests representation on the OPEB Board and participation in recommendations that come back to the Board of Supervisors.

Assistant County Executive Officer Jim Brown briefly reviews the staff report outlining the Program advising it is for all retirees and existing employees.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board takes the following actions authorizing the County's participation in the PARS Post-Retirement Healthcare Trust:

1. Authorize the County's participation in the Public Agency Retirement Services (PARS) Post-Retirement Healthcare Trust; adopt the Charter establishing the OPEB Retirement Investment Trust Board as a Retirement System, appoint a Plan Administrator, and authorize the Chairman and/or Plan Administrator to execute the necessary plan documents as follows:

Contract No. 2008118 with PAR for Administrative Services; Contract No. 2008119 Adoption Agreement to the Public Agencies Post-Retirement Healthcare Plan; Contract No. 2008120 for Public Agencies Post Retirement Healthcare Trust Agreement with Union Bank of California; Contract No. 2008121 for Public Agencies Post Retirement Health Care Plan Master Plan Document and Contract No. 2008122, Discretionary Trustee Fee Schedule for County of Merced.

2. Appoints Board of Supervisors Chairman Kathleen Crookham and/or Vice Chairman Deidre Kelsey, Executive Officer Dee Tatum, Counsel James Fincher, Auditor Steve Jones and Treasurer Karen Adams to serve as members of the OPEB Retirement Investment Trust Board.
3. Approve contribution of approximately \$5 million to the Trust in FY 07/08 to be allocated through a departmental payroll charge in Pay Period 12 (June 13, 2008).
4. Establish a Board Policy Goal of funding a contribution to the Post-Retirement Healthcare Trust of 3% to 6% of annual payroll charges as determined through the annual budget process. Funding would be allocated through departmental payroll charges, available funding in the health insurance fund, or the Payroll and Benefit Reserve. This contribution would be in addition to the existing annual cost of retiree health and dental benefits.
5. Authorize staff to begin exploring options and alternatives to the existing plan design and contribution structure.

and adopts Resolution No. 2008-94.

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