



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, DECEMBER 16, 2008
Closed Session – 8:30 a.m.
Regular Meeting – 10:00 a.m.

MERCED COUNTY
ADMINISTRATION BUILDING
2222 "M" STREET
BOARD ROOM, THIRD FLOOR
MERCED, CALIFORNIA 95340
(209) 385-7366

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.*

Any material related to an item on this Agenda submitted to the Clerk after distribution of the Agenda packet is available for public inspection in the Office of the Clerk of the Board

The Agenda is available online at www.co.merced.ca.us

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The Agenda is divided into three sections:

CONSENT CALENDAR – These matters include routine financial and administrative actions and are approved by a single majority vote.

SCHEDULED ITEMS – These items are noticed hearings, work sessions and public hearings.

REGULAR CALENDAR – These items include significant policy and administration actions. Immediately after approval of the CONSENT CALENDAR, if the time of the hearing of SCHEDULED ITEMS has not arrived, the REGULAR CALENDAR will be considered.

SCHEDULED ITEMS

8:30 A. M.

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO 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): Four Cases

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: It is the intention of the Board to meet in Closed Session concerning Existing Litigation pursuant to Government Code Section 54956.9(a): San Joaquin Raptor Rescue Center et al. v. County of Merced - Black Diamond Inc. Real Parties in Interest, Merced Superior Court Case No. 150017

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Human Services Agency Director

CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION: It is the intention of the Board to meet in Closed Session concerning Initiation of Litigation pursuant to Government Code Section 54956.9(c): One Case

THE BOARD RECESSED AT 8:30 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED DIRECTION GIVEN TO STAFF

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 11

PRESENTATION - Recognition of Ken Thurman

10:00 A. M.

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Health-\$66 and Sheriff-\$35,000

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 24)

APPROVED AS RECOMMENDED AYES: ALL

REPORTS/BOARD DIRECTION

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

CONSENT CALENDAR (Items #1 - 24)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve and authorize Chairman to sign Amendment to Contract No. 2003092 with Congressman Dennis Cardoza for office space in the County Administration Building.
2. Accept Final Map for Lindgren Cottages Subdivision Map No. 03019 located in the Hilmar area.
3. Approve and authorize Chairman to sign Amendment to Contract No. 2008333 (Purchase Order No. 44649) with Talley Oil, Inc. for Transportation and spread of road emulsions in the amount of \$800,000.

Mental Health

4. Approve and authorize Chairman to sign Amendment to Contract No. 2008159 with 7th Avenue Center for Institute for Mental Disease services and approve the budget transfer-\$30,445.00.
5. Approve and authorize Chairman to sign Amendment to Contract No. 2008244 with Canyon Manor for Mental Health Rehabilitation Center services.
6. Approve and authorize Chairman to sign Amendment to Contract No. 2008134 with Crestwood Behavioral Health, Inc. for Institute for Mental Health Disease for mental health consumers.
7. Approve and authorize Chairman to sign Amendment to Contract No. 2008059 with Mother Cynthia's Residential Care Facility for Board and Care Services.
8. Approve and authorize Chairman to sign Amendment to Contract No. 2008139 with Country Villa Merced Behavioral Health Care Center for Institute for Mental Disease.

Health

9. Approve and authorize Chairman to sign Renewal Contract No. 2007062 with Calif. Integrated Waste Management Board for Local Solid Waste Landfill Permit and Inspection Program, authorize Environmental Health Director to sign all payment requests and authorizes the Auditor to sign the budget reports.

ADOPTED RESOLUTION NO. 2008-227

Ag. Commissioner

10. Approve and authorize Chairman to sign Renewal Contract No. 2006217 and appropriate certifications with Calif. Dept. of Food and Agriculture for Sudden Oak Death Inspections and Surveys and adopt Resolution.

ADOPTED RESOLUTION NO. 2008-228

11. Approve and authorize Chairman to sign Renewal Contract No. 2007246 and appropriate certifications with Calif. Dept. of Food and Agriculture for Pest Exclusion County Nursery Program and adopt Resolution.

ADOPTED RESOLUTION NO. 2008-229

Commerce, Aviation and Economic Development

12. Approve and authorize Chairman to sign Renewal Contract No. 2005081 with Pacific Bell for FOCUS Program Procurement Vehicle and authorize Announcement Letter.

Dept. of Workforce Investment

13. Approve and authorize Chairman to sign Amendment to Contract No. 2008146 with Merced County Office of Education for Special Services CalGRIP Grant changes.

Planning

14. Set public hearing for January 27, 2009 at 10:00 a.m. to consider Proposed Guidelines Revisions to the County's Homebuyer Program Participation Guidelines.
15. Set public hearing for January 27, 2009 at 10:00 a.m. to consider the Application for CDBG NSP Funding and submission of a Joint Powers Agreement.

Executive Office

16. Approve Budget Transfers submitted by Public Works \$39,000 and Clerk-Recorder-\$11,012 as recommended by Executive Office.

Board Recognition

17. Authorize Certificate of Recognition to Spencer Amaral for achieving Eagle Scout, Boy Scout Troop 252.
18. Authorize Certificate of Recognition to Sally Zuniga for years of dedicated service to the Greater Merced Chamber of Commerce.
19. Authorize Certificates of Recognition to Merced County Chamber of Commerce Chamber Leadership Award recipients for the Quarter as follows: Joe Pia (Manager-Italian American Lodge) and Robert Tomasetti (President-Italian American Lodge) for Good Business Citizens and Mike Mc Burney (Owner-Action Computers) and Shannon Picciano (Merced College & Board Member, Merced County's Most Wanted) for Volunteers of the Quarter.
20. Authorize Certificates of Recognition to Merced Business and Professional Woman 2008 Working Women of the Year as follows: Susan Stetler Rutledge, Dawn Kinney, Susan Coston and Gloria Morris.
21. Authorize Certificate of Recognition to Maribel Sanchotena for Snelling Postmaster installation.

22. Authorize Certificates of Recognition to the Gustine High School Awards to: Miguel Padilla-Boys State, Ashley Cornell and Nicole Mello-Girls State, Bianca Tello-Miss Gustine and Nellie Luna-Gustine Rotary Public Speaking.
23. Authorize Certificates of Recognition to Atwater Chamber of Commerce Award recipients for the Quarter as follows: Castle Family Health Centers – Business of the Quarter, Sharon Lohman-(Trails of Happy Tails) – Volunteer of the Quarter and Robert Flores (Flores Insurance Agency) – Entrepreneur of the Quarter.
24. Proclaim October, 2008 as "Merced County Teen Success Day".

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

25. Consideration for comprehensive update of the Special Planning Zone (SPZ) for the Castle Airport and Development Center and approve waiver of Zone Code Text Amendment Fee in the amount of \$2,385.

APPROVED AS RECOMMENDED AYES: ALL

26. Adopt Mitigated Negative Declaration prepared for CEQA Consultant for the Merced Rescue Mission construction of a 100 bed homeless shelter on County-owned property and authorize Chairman to execute a long-term Land Lease with Merced County Rescue Mission.

REVIEW BOARD ORDER – SEE PAGE 11

MENTAL HEALTH

27. Accept Anasazi Software, Inc. as the successful bidder to RFP No. 6306 for provision of an Integrated Behavioral Health Information System and authorize Chairman to sign Award Contract.

REVIEW BOARD ORDER – SEE PAGE 12

28. Authorize Retroactive Pay Adjustments for eighteen Pay Periods for one Mental Health Clinician I (Employee 36050) and for six Pay Periods for one Personnel Assistant (Employee 84132) in Mental Health in accordance with Human Resources Rules and Regulations.

APPROVED AS RECOMMENDED AYES: ALL

29. Authorize change in hours of operation for December 24 and December 31, 2008 to 8:00 a.m. - 5:00 p.m. for Mental Health Outpatient Programs.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

30. Relieve accountability for Fixed Asset Items No. 60244-Tangent Laptop Computer, 60376-HP Laptop Computer, 60398-Tangent Laptop Computer and 60521-BenQ Digital Projector by allowing the Auditor to remove the items from Human Services Agency Fixed Asset Inventory.

APPROVED AS RECOMMENDED AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

31. Authorize Workforce Investment Director to submit Operational Agreement to the City of Merced based on Application Requirements in support of the Office of Emergency Services California Gang Reduction, Intervention and Prevention (CALGRIP) Grant Round 2 Proposal and authorize DWI to return to the Board with an Informational Item on the grant award.

APPROVED AS RECOMMENDED AYES: ALL

AG. COMMISSION

32. Contract with Calif. Dept. of Pesticide Regulation for Electronic Pesticide Use Reporting Services and rescinding previously approved Contract on August 19, 2008 due to State requirements and adopt Resolution.

REVIEW BOARD ORDER – SEE PAGE 12

AUDITOR

33. Approve the Sheriff's and District Attorney's requests for State COPS (Citizen's Option for Public Safety) Program funding allocation and authorize the Auditor to apportion the COPS funds.

APPROVED AS RECOMMENDED AYES: ALL

34. Certify the Election Results for the County of Merced Supervisorial Run-Off Election held on November 4, 2008.

APPROVED AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

35. Contract with County Executive Office for lease of a portion of Building 1230 (approximately 180 square feet) for storage of records pertaining to Head Start Program.

AUTHORIZED CONTRACT NO. 2008336 AS RECOMMENDED AYES: ALL

SHERIFF

36. Establish Budget Unit 22104 for Sheriff Central Valley High Intensity Drug Trafficking Area (HIDTA) Program and approve budget transfer for salaries/benefits and services/supplies to be supported by the Office of National Drug Control Policy Grant Award of \$195,000 as approved by the Board on September 16, 2008. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

37. Authorize the purchase of an Off Road Vehicle, Fixed Asset 89197 with purchase from 2008 Cannabis Grant and High Intensity Drug Trafficking Area (HIDTA) Program Grant Funding and approve the budget transfer-\$13,000. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

38. Authorize submission of 2008/09 California Multi-Jurisdictional Methamphetamine Enforcement Team (CALMMET) Grant funding to State Office of Emergency Services in the amount of \$272,910 with the Sheriff to return to the Board with results of the Grant Award.

AUTHORIZED CONTRACT NO. 2008322 AS RECOMMENDED AYES: ALL

DEPT. OF ADMIN. SERVICES

39. Declare Miscellaneous Office Furniture, Miscellaneous Office Equipment and Automotive Parts labeled on Exhibit A as Surplus Property and authorize its disposal per Internet Public Auction by Public Surplus LLC.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

40. Renewal Contract No. 2002243 with State Dept. of Public Health for Emergency Medical Services Appropriation (EMSA)/AB 1183 and approve the necessary budget transfers-\$16,315 and \$16,313. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2002243 AS RECOMMENDED AYES: ALL

PLANNING

41. Approve 21 Williamson Act Contracts for Contract No. 2008-002, Kurt Roberts; 2008-003 and 004, Kevin & Diane Herman; 2008-005, Bizzini Revocable Trust-Bizzini Robert & Mildred Trustees; 2008-006, Antonio and Guiomer Cardoso; 2008-008, Drayer Trust, Frederick and Carla Drayer; 2008-009 El Cajon Retirement Residence Limited Partnership; 2008-010, Daniel and Sandra Balvert; 2008-011, Joy R. Jones DBA Ugo Ranches, Inc.; 2008-012, John and Vicky Seasholtz; 2008-013, George Griset & Victoria Hansen Trustees; 2008-014, George Griset and Stephen Griset Trustees; 2008-015, Fred and Tiffany Melo; 2008-016, Rudolfo & Arminda Garcilazo-The Garcilazo Family Trust 4/10/06; 2008-017, Mary Holland & George S. Griset, Trustees; 2008-018, Mary B. Santos Trust- Monica Danborn Trustee; 2008-019, Mary B. Santos Trust- Monica Danborn Trustee; 2008-022, Lewis Maiorino Ranches, Inc. and 2008-023, Lewis and Frances Dawn Maiorino; 2008-024, Christopher and Allyne Beutel and 2008-025, Howard and Raylene Kemp.

Rule of Necessity

On Item #41, Supervisors Pedrozo, Crookham, Kelsey and O'Banion declared a conflict due to the ownership of land in their districts which is under Williamson Act contracts which is an item that requires a simple majority of the vote to act on. The Board determined that they had sole authority to approve the Williamson Act contracts which had to be acted on before the end of the year. The Board of Supervisors members enacted the Rule of Necessity to pick two supervisors to sit for the Item. The Clerk held a coin toss whereby Supervisor Kelsey was chosen. Supervisor Pedrozo and Supervisor O'Banion left the Chambers. Supervisor Kelsey then identified she had a conflict due to the one of the contracts being with Dreyer Trust whom her family has a business relationship with and Supervisor Kelsey left the Chambers. The Clerk then held another coin toss and Supervisor Pedrozo was chosen and he returned to the Chambers. The following action was taken: Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board approves the 21 Williamson Act contracts submitted by Planning with the property owners listed and authorizes the Chairman to sign and makes the following Findings:

- (a) The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the Merced County and State economic resources, and is necessary not only to the maintenance of the agricultural economy of the state, but also for the assurance of adequate, healthful and nutritious food for future residents of this County, the State and Nation.

(b) The agricultural work force is vital to sustaining agricultural productivity in Merced County; that this work force has the lowest average income of any occupational group in this State;

(c) Discouragement of premature and unnecessary conversion of agricultural land to urban uses is a matter of public interest and will be of benefit to urban dwellers themselves in that it will discourage discontinuous urban development patterns which unnecessarily increase the costs of community services to community residents.

(d) Approval of these Williamson Act contracts helps Merced County achieve these County, State and National purposes, goals and benefits.

Present: Crookham, Pedrozo, Nelson

Not Present: Kelsey, O'Banion

REVIEW BOARD ORDER – SEE PAGE 13

42. Resolution to vacate and set aside the adoption of the Mitigated Negative Declaration for the Reed Family Vineyards, LLC, the Reed Leasing Group, LLC and Black Diamond Aggregates, Inc. and vacate and set aside the project approval of General Plan Amendment No. GPA05-009, Zone Change No. ZC05-010 and Major Modification No. MM05-016 to Conditional Use Permit No. 2870 approved by the Board on December 19, 2006 and therefore vacate and set aside its December 18, 2006 approval by Resolution No. 2006-226A from the General Plan Cycle IV, 2006 Amendments that adopted General Plan Amendment No. GPA05-009; set aside its approval of Ordinance No. 1799 for Zone Change Application No. ZC05-010 and vacate and set aside its approval by Resolution No. 2006-22A from General Plan Cycle IV, 2006 Amendments which approved Major Modification No. 05-016 to Conditional Use Permit No. 2870 for the Black Diamond Aggregate, Inc. Project.

ADOPTED RESOLUTION NO. 2008-231 AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

43. Authorize release of Request for Proposal to secure a qualified outside medical agency to perform county employee health examinations for the County of Merced, select the most responsive provider to perform such services and return to the Board for final contract award and approval.

APPROVED AS RECOMMENDED AYES: ALL

44. Review the identified options and provide policy direction whether to proceed with Option 1- Keep the Assessor's and Auditor's Special Pay Differential language unchanged, Option 2- Amend the Salary Allocations Resolution 2006-120 to specify "A-Level" Managers are not eligible to receive a salary differential for possession of a designation, classification or licensure effective January 5, 2009, and Option 3-After the "A-Level" incumbents current term of office is complete, amend the Salary Allocation Resolution 2006-120 to specify "A-Level" Managers are not eligible to receive a salary differential for possession of a designation, certificate or licensure; and if the Board proceeds with Option 2 or Option 3, adopt the Salary Allocation Resolution with the appropriate effective date.

REVIEW BOARD ORDER – SEE PAGE 14

EXECUTIVE OFFICE

45. Add one Sheriff Community Service Technician I/II, Range 59.2/62.2 in BU 22100 and adopt Resolution; Clarify and add AG STAR Sheriff Sergeant/Sheriff Senior Sergeant and adopt Resolution; and adopt Resolution deleting 93 positions from Human Services Agency

and 12 positions from Dept. of Workforce Investment.

REVIEW BOARD ORDER – SEE PAGES 14 AND 15

46. Review Identified Options 1: Proceed with Public Service Buy Back incentive for the 73 members with irrevocable contracts at an approximate cost to the County of \$1 million; Option 2: Proceed with the Public Service Buy Back incentive for a potential of 96 contracts (73 contracts plus 23 potential contracts) at an approximate cost to the County of 1.3 million; and/or Option 3: Rescind the Public Service Buy Back Incentive - and provide policy direction whether to proceed with Option 1, Option 2 or Option 3 and adopt amendments to Resolution No. 2000-117 relating to Public Service Buy Back if proceeding with the incentive.

REVIEW BOARD ORDER – SEE PAGES 15 AND 16

47. Approve the 2009 Legislative Agenda with any revisions as recommended by the Board; authorize periodically providing letters of support or opposition as needed based on any benefit or detriment to the County of Merced and direct Staff to forward the 2009 Legislative Agenda to Merced County's legislative representatives and advocates.

APPROVED AS RECOMMENDED AYES: ALL

48. Approve the inclusion of the Housing Authority of the County of Merced Tenant Member Appointments (2 total) and the Santa Cruz-Monterey-Merced Managed Medical Care Commission Membership (5 total which must be two providers, two public representatives including one current or former Medi-Cal beneficiary and one hospital representative) as At Large Appointments (non-District specific Appointments) subject to the Supplemental Application, FPPC Form 700 Requirements and Interview Process as set by the Board by Resolution No. 2008-28.

APPROVED AS RECOMMENDED AYES: ALL

49. Authorize Human Services Agency to accept donations for Toy Drives during the Holiday Season and authorize the signing of budget amendments for donations received through December 31, 2008 and approve the budget transfer-\$75. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

50. Authorize Letter in Support of the Merced Theatre being placed on the National Register of Historical Places (National Register).

APPROVED AS RECOMMENDED AYES: ALL

51. Authorize Special Board Project Funds-District Two expenditure for \$50,000 to the Merced Theatre Foundation for construction and the creation of jobs for economic development in the County of Merced and \$5,000 to the University of California-Merced for construction of Aquatic facilities and approve the related budget transfer.

REVIEW BOARD ORDER – SEE PAGE 16

BOARD APPOINTMENTS

52. El Nido Recreation Committee – Appointed Corey Fagundes, Terianne Silveira, Amy Hath, Mike Pellicano and Bobby Borba until December 16, 2012.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE

AYES: ALL

53. Public Works re: Notification of Contract Award to Carollo Engineers for Arsenic Treatment System, at the John Latorraca Correctional Center/Iris Garrett Juvenile Justice Complex.
AWARDED CONTRACT NO. 2007254
54. Human Services Agency re: Notification of statewide replacement of Case Management Information and Payroll System (CMIPS) with CMIPS II.
55. State Office of Historic Preservation re: Notification of consideration of National Registrar of Historic Places Nomination for Merced Theatre at next meeting.
56. Governor's Office of Emergency Services re: U.S. Small Business Administration has declared the primary counties of Mariposa, Mendocino, Santa Barbara, Shasta, and Trinity and contiguous counties of Glenn, Humboldt, Kern, Lake, Lassen, Madera, Merced, Modoc, Plumas, San Luis Obispo, Siskiyou, Sonoma, Stanislaus, Tehama, Tuolumne, and Ventura a disaster area.
57. Federal Emergency Management Agency re: Revision to the National Flood Insurance Program map dated December 2, 2008 for the referenced community.
58. Orange County Board of Supervisors re: Habitat Mitigation Financial Assurance Requirements.
59. San Joaquin County Board of Supervisors re: San Joaquin County Resolution concerning the Delta Vision and Bay Delta Conservation Plan.
60. CSAC Excess Insurance Authority re: 2008 CSAC Excess Insurance Authority Annual Report. (On file with Clerk)
61. State Dept. of Parks and Recreation re: Statewide Park Development and Community Revitalization Act of 2008 is a new grant program that will award \$368,000,000 on a competitive basis to critically underserved communities across California for the creation of new parks and facilities.
62. Auditor re: Election Results of the November 4, 2008 General Presidential Election.

**ADOPTED RESOLUTION IN MEMORY OF GUIDO JOSEPH "CHICK" BALATTI AND
RECESSED TO SIT AS A REDEVELOPMENT AGENCY AND ADJOURNED UNTIL TUESDAY,
JANUARY 5, 2009 AT 10:00 A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – DECEMBER 16, 2008

10:00 A.M. SCHEDULED ITEM

2008-12-16 PUBLIC OPPORTUNITY

Mental Health Advisory Board representatives James Fuller and David Baker present a gift to Supervisor Crookham from the Mental Health Advisory Board recognizing her years of service on the Mental Health Advisory Board and the Board of Supervisors.

Jason Spencer, Candace Adam-Medifind, representing the Sierra Presbyterian Church in Merced and Mercy Gordon, Kathryn Grave (Merced) and Jeff Freitas (Atwater) state concern with people in need and requests the Merced Community as a whole, pool resources to find a solution for the homeless people in Merced County.

Bob Taniguchi and Sherman Kishi, representing the Japanese American Citizens League and the Merced Assembly Center Commemorative Committee, speak regarding the internment of Japanese citizens in 1942 stating the subcommittee is erecting a monument at the fairgrounds to commemorate the 4,500 Americans the internment and thank the Board for their support and monetary contribution toward this effort.

Kristie Waskewitz, AFSCME representative, speaks regarding the layoffs the Board authorized at the November 4, 2008, Board Meeting stating the Seniority List was to be provided to employees yesterday and the County is indicating the list will not be provided until February 15, 2009, which is not acceptable citing employees need to know their status in order to plan for the future.

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

ACTION ITEM NO. 26

2008-12-16 PUBLIC WORKS

The Clerk announces the Mitigated Negative Declaration prepared for CEQA Consultant for the Merced Rescue Mission submitted by Public Works is before the Board for consideration.

Director of Special Programs Robert Smith reviews the staff report and advises comments on the Mitigated Negative Declaration were received from the City of Merced and the State Public Utility Commission subsequent to posting of the agenda, the documents have been provided as Supplemental Board Meeting Material and requests the Board consider the comments and responses prior to taking action on this matter.

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board adopts the Mitigated Negative Declaration prepared by CEQA Consultant and authorizes the Chairman to sign Contract No. 2008334 with Merced County Rescue Mission for the construction of a 100 bed homeless shelter on County-owned property.

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

ACTION ITEM NO. 27

2008-12-16 MENTAL HEALTH

The Clerk announces acceptance of successful bidder for provision of an Integrated Behavioral Health Information System submitted by Mental Health is before the Board for consideration.

Interim Mental Health Director Troy Fox reviews the staff report and advises the project went through the competitive bid process with four bids received, all of which were fairly close in total amounts. However, during the process a comparison was done for the total cost of each over a five-year period and the recommended vendor was the second lowest bidder. The other bidder that was slightly lower than Anasazi Software, Inc. is not located in California.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2008321 with Anasazi Software, Inc., the recommended successful bidder to RFP No. 6306, for an Integrated Behavioral Health Information System to upgrade and/or replace the current County Mental Health Information System.

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

ACTION ITEM NO. 32

2008-12-16 AG. COMMISSION

The Clerk announces the contract with the California Department of Pesticide Regulation for Electronic Pesticide Use Reporting Services submitted by the Ag. Commissioner is before the Board for consideration.

Ag. Commissioner Dave Robinson reviews the current process used by growers in submitting written reports to the Ag. Department whereby Staff must then enter the information electronically. He advises the system is being updated to allow the growers to directly submit their reports electronically to the State.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Nelson, duly carried, the Board rescinds Contract No. 2004247 with California Department of Pesticide Regulation (CDPR) due to changes made by the State, approves and authorizes the Chairman to sign Contract No. 2008335 with California Dept. of Pesticide Regulation for Electronic Pesticide Use Reporting and adopts Resolution No. 2008-230.

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

ACTION ITEM NO. 41
2008-12-16 PLANNING

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

Assistant Planning Director Bill Nicholson reviews the Staff Report and advises there are four Findings the Board must consider and adopt to approve the Williamson Act contracts and requests the recommendation be amended to reflect those Findings.

Supervisors Pedrozo, Crookham, Kelsey and O'Banion declare a conflict due to the ownership of land in their districts which is under Williamson Act contracts which is an item that requires a simple majority of the vote to act on. The Board determines they have sole authority to approve the Williamson Act contracts which have to be acted on before the end of the year. The Board of Supervisors members enact the "Rule of Necessity" to pick two supervisors to sit for the Item.

The Clerk holds a coin toss whereby Supervisor Kelsey was chosen.

Supervisor Pedrozo and Supervisor O'Banion leave the Chambers.

Supervisor Kelsey identifies she has a conflict as one of the contracts is with Dreyer Trust whom her family has a business relationship with and Supervisor Kelsey leaves the Chambers.

The Clerk then holds another coin toss and Supervisor Pedrozo is chosen and returns to the Chambers.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board makes the following Findings:

(a) The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the Merced County and State economic resources, and is necessary not only to the maintenance of the agricultural economy of the state, but also for the assurance of adequate, healthful and nutritious food for future residents of this County, the State and Nation;

(b) The agricultural work force is vital to sustaining agricultural productivity in Merced County; that this work force has the lowest average income of any occupational group in this State;

(c) Discouragement of premature and unnecessary conversion of agricultural land to urban uses is a matter of public interest and will be of benefit to urban dwellers themselves in that it will discourage discontinuous urban development patterns which unnecessarily increase the costs of community services to community residents;

(d) Approval of these Williamson Act contracts helps Merced County achieve these County, State and National purposes, goals and benefits;

and approves and authorizes the Chairman to sign the following Williamson Act Contracts No. 2008004 WA-Kurt Roberts; 2008005 WA-Kevin and Diane Herman (APN 068-110-025); 2008006-Kevin and Diane Herman (APN 068-130-038); 2008007 WA-Bizzini Revocable Trust, Robert L. and Mildred J. Bizzini Trustees; 2008008 WA-Antonio A. and Guiomer M. Cardoso; 2008009 WA-Drayer Trust, Trederick and Carla Drayer; 2008010 WA-El Cajon Retirement Residence Limited Partnership; 2008011 WA-Daniel A. E. and Sandra Balvert; 2008012 WA-Joy

R. Jones DBA Ugo Ranches Inc.; 2008013 WA–John O. and Vicky P. Seasholtz; 2008014 WA–George S. Griset & Victoria A. Hansen Trustees (APN 069-190-060); 2008015 WA–George S. Griset and Stephen D. Griset Trustees (APN 063=240-004); 2008016 WA–Fred and Tiffany Melo; 2008017 WA–Rodolfo and Arminda C. Garcilazo, The Garcilazo Family Trust; 2008018 WA–Mary G. Holland, Trustee and George S. Griset, Trustees; 2008019 WA–Mary B. Santos Trust and Monica Danborm Trustee; 2008020 WA–Mary B. Santos Trust, Monica Danborm Trustee, Mark and Stephen Brindeiro; 2008021 WA–Lewis Maiorino Ranches, Inc.; 2008022 WA–Lewis W. and Frances Dawn Maiorino Trustees of the Maiorino 1998 Living Trust as amended; 2008023 WA–Christopher A. and Allyne Denise Beutel and 2008024 WA–Howard and Raylene Kemp.

Ayes: Crookham, Pedrozo, Nelson

Not Present: Kelsey, O'Banion

ACTION ITEM NO. 44

2008-12-16 HUMAN RESOURCES

The Clerk announces Special Pay Differential due to the reorganization of the Assessor, Treasurer/Tax Collector and Auditor-Controller offices submitted by Human Resources are before the Board for consideration.

Human Resources Director Robert Morris reviews the Staff Report and Options 1, 2 and 3.

Following discussion and upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board selects Option 2 and amends Section 8.A of Salary Resolution No. 2006-120, to specify "A-Level" Managers are not eligible to receive a salary differential for possession of a designation, certification or licensure" effective January 5, 2009 and authorizes employees in the Assessor's and Auditor's Office with special designations to receive Special Compensation and adopts Resolution No. 2008-232.

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

ACTION ITEM NO. 45

2008-12-16 EXECUTIVE OFFICE

The Clerk announces Human Resources is recommending language cleanup and Sheriff Grant Positions consideration and state the Salary Range on the agenda should read, Range 59.2/62.2.

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board adds the following positions to Sheriff-BU 22100:

one Sheriff Community Service Technician I/II, Range 59.2/62.2; one Sheriff Community Services Technician I/II, Range 59.2/62.2; one AG STAR Sheriff Sergeant/Sheriff Senior Sergeant, Range 72.6/73.6; and,

deletes the following 57 vacant positions at Human Services Agency effective November 4, 2008: one Account Clerk I/II, Range 55.0/57.0; one C-IV Program Analyst, Range 71.4; one C-IV Deputy Project Manager, Range 79.3; one C-IV Program Specialist, Range 67.2; one C-IV Trainer, Range 67.2; one Eligibility Worker I/II, Range 57.3/59.3; five Employment & Training

Worker I/II, Range 61.1/63.1; three Employment and Training Worker III, Range 65.1; one Facility Assistant, Range 54.0; eleven Family Services Representative I/II, Range 60.1/62.1; two Family Services Representative III, Range 64.1; one Network Systems Support Analyst I/II, Range 67.1/70.1; three Office Assistant I/II, Range 53.8/55.8; two Program Managers, Range 74.9; two Registration Information Assistant, Range 57.6; two Social Worker Aide, Range 51.1; three Social Worker I/II, Range 61.1/63.1; four Social Worker III, Range 65.6; six Social Worker IVA/IVB, Range 67.7/69.7; one Software Application Assistant/II, Range 60.8/63.8; one Staff Services Analyst, Range 65.8/70.2; one Supervising Legal Clerk, Range 63.5; one Supervising Social Worker, Range 72.9; one Telephone Systems Operator, Range 56.8; one Training Officer-H.S.A., Range 72.9; and,

deletes the following 8 vacant positions at Department of Workforce Investment effective November 4, 2008: one Program Manager DWI, Range 72.9 and seven Employment and Training Specialist I/II, Range 62.1/64.6; and,

deletes the following thirty-six filled positions at Human Services Agency effective May 31, 2009: two Account Clerk III, Range 60.4; one Administrative Supervisor, Range 65.2; two Employment & Training Worker I/II, Range 61.7/63.7; six Family Services Representative I/II, Range 60.7/62.7; one Family Services Representative III, Range 64.7 (in substitution of one Social Worker IVA/IVB-Position 123 as previously approved on November 18, 2008); two Family Services Supervisor, Range 68.1; one Legal Clerk I/II, Range 58.3/60.3; one Management Information Systems Technician I/II, Range 59.4/61.4; four Office Assistant I/II, Range 54.2/56.2; one Program Evaluation Supervisor, Range 70.6; one Social Services Program Administrator, Range 77.3, one Social Services Program Worker, Range 60.4, six Social Worker Aide, Range 51.7; three Social Worker I/II, Range 61.7/63.7; one Software Application Assistant I/II, Range 61.2/64.2; two Staff Services Analyst I/II, Range 66.2/70.6; and one Supervising Social Worker, Range 73.3; and,

deletes the following four filled positions at Department of Workforce Investment effective May 31, 2009: one Program Manager DWI, Range 73.3 and three Employment & Training Specialist I/II, Range 62.7/65.2;

and adopts Resolution No. 2008-233 (Sheriff, Position Allocation), 2008-234 (Sheriff, AG. STAR Team) and 2008-235 (HSA/DWI).

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

ACTION ITEM NO. 46

2008-12-16 EXECUTIVE OFFICE

The Clerk announces the Public Service Buy Back Incentive submitted by Executive Office is before the Board for consideration.

County Counsel James Fincher declares a Conflict of Interest since his name is on the list of Service Buy Backs and he excuses himself from sitting on this matter. Assistant County Counsel Fernanda Saude sits with the Board as County Counsel for Agenda Item No. 46.

County Executive Officer Demitrios Tatum states for clarification his name is not on the list and he has no personal interest in the buy back.

Human Resources Director Robert Morris reviews the Staff Report and reviews the Identified Options as listed in the Staff Report - Option 1: Proceed with Public Service Buy Back

incentive for the 73 members with irrevocable contracts at an approximate cost to the County of \$1 million; Option 2: Proceed with the Public Service Buy Back incentive for a potential of 96 contracts (73 contracts plus 23 potential contracts) at an approximate cost to the County of 1.3 million; and/or Option 3: Rescind the Public Service Buy Back Incentive - and provide policy direction whether to proceed with Option 1, Option 2 or Option 3 and adopt amendments to Resolution No. 2000-117 relating to Public Service Buy Back if proceeding with the incentive

Following discussion, Mr. Morris states the costs, including interest, will be paid by the employee.

Merced County Employees Retirement System Administrator Maria Arevelo states the employee's cost for the purchase is based on their compensation and contribution rates in effect at the time they first entered the retirement system plus interest. However, the retirement benefit resulting from the extra service time is based on current salary and benefit levels which have increased and the fact the benefit is paid over the lifetime of each employee which will be paid by the County and is estimated at \$1.3 million. She states if the Board approves the buy back, the County's portion would be added to the Retirement Fund as an unfunded liability.

Following discussion, Ms. Arevelo advises the law does not allow the employee to pay for all the costs.

Following further discussion, Supervisor O'Banion moves, seconded by Supervisor Crookham, the Board rescind the Public Service Buy Back Incentive.

Supervisor Kelsey states concern that this was offered at one point and now the Board finds itself in a position that it cannot approve the Buy Back due to financial reasons and she would like the opportunity to reconsider this matter in the next few years.

Supervisor Nelson agrees the matter should return for consideration if there are no costs to the County.

The Chairman calls for a vote on the Motion. Motion carries.
Ayes: Crookham, Pedrozo, Nelson, Kelsey, O'Banion

ACTION ITEM NO. 51
2008-12-16 BOARD OF SUPERVISORS

The Clerk announces expenditure of Special Board Project Funds-District Two is before the Board for consideration.

Supervisor O'Banion moves, seconded by Supervisor Crookham, the Board authorize \$50,000 to the Merced Theatre Foundation for construction and creation of jobs for economic development in the County of Merced and \$5,000 to the University of California-Merced for the construction of Aquatics facilities and approve the necessary budget transfer.

Supervisor Kelsey questions if the funds were allocated at the beginning of this fiscal year.

Chairman Crookham advises seventy five percent of the funds are from this fiscal year allocation.

Supervisor Nelson states he cannot support the motion because, in his opinion, the Board voted against the expenditures at a prior Board meeting and in January he will bring forth a Board Agenda Item regarding Board rules.

Supervisor Kelsey speaks in favor of smaller communities receiving special board project funds but does not feel the Merced Theater falls within that parameter of definition.

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