



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, JANUARY 06, 2009
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
HUBERT "HUB" WALSH, JR.....DISTRICT 2
MICHAEL G. NELSON.....DISTRICT 3
CHAIRMAN 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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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

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): Two 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 vs. County of Merced, Christopher Robinson RPI Merced County Superior Court Case No. CU151468

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS: Titles: Public Works Director, Dept. of Workforce Investment Director, Human Services Agency Director and Agricultural Commissioner

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 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED THERE WERE NO REPORTABLE ITEMS

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:00 A. M.

PLEDGE OF ALLEGIANCE

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10:00 A.M.

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

NOMINATION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2009 YEAR SUPERVISOR KELSEY IS NOMINATED TO SERVE AS 2009 CHAIRMAN AND SUPERVISOR O'BANION IS NOMINATED TO SERVE AS 2009 VICE-CHAIRMAN

PRESENTATIONS

Recognition of Mikel Martin, Merced County Fire Chief
New County Website

REVIEW BOARD ORDER

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) District Attorney-\$6,810; Library-\$386; Mental Health-\$49,030; Public Works-\$30,000; Sheriff-\$112 and \$194

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 18)

APPROVED AS RECOMMENDED AYES: ALL

REPORTS/BOARD DIRECTION

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

CONSENT CALENDAR (Items #1 - 18)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve and authorize Chairman to sign Amendment to Contract No. 2008242 with Environmental Resolutions, Inc. for additional environmental assessments, reports and testing as required by the Regional Waste Quality Control Board for Corporation Yard at 715 Martin Luther King Jr. Way in Merced in an amount not-to-exceed \$27,910 subject to review of Counsel.

Health

2. Approve and authorize Chairman to sign Renewal Contract No. 2005114 with Stephanie Russell, R.D. for Nutrition Consultant services.
3. Approve and authorize Chairman to sign Renewal Contract No. 2007100 with California Integrated Waste Management Board (CIWMB) for the Used Oil Block Grant for FY 2008-09 and authorize the Environmental Health Director to sign payment requests and other necessary documents to implement the grant and adopt Resolution.

ADOPTED RESOLUTION

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Commerce, Aviation and Economic Development

4. Approve and authorize Chairman to sign Amendment to Contract No. 2008150 with Merced County Economic Development Corporation for Enterprise Zone Management Services and approve the necessary budget transfer.

Planning

5. Approve and authorize the Chairman to sign Amendment to Contract No. 2006292 with PBS&J for Environmental Review and Permit Processing applications.
6. Set public hearing for January 27, 2009 at 10:00 a.m. to consider General Plan Amendment No. GPA08-002, amending the Circulation Chapter of the General Plan by adding the proposed route of the SR 152 Los Banos Bypass to the Circulation Map.
7. Set public hearing for January 27, 2009 at 10:00 a.m. for consideration of Environmental Findings of Fact and a Statement of Overriding Consideration in compliance with CEQA and final Confirmation of the Re-establishment of the Merced County Enterprise Zone.

Probation

8. Approve and authorize Chairman to sign Renewal Contract No. 2004237 with Los Banos Unified School District for placement of Deputy Probation Officer at Los Banos High School.

Executive Office

9. Approve the Budget Transfer submitted by Library in the amount of \$9,650 as recommended by Executive Office.
10. Approve Travel Requests submitted by Public Works as recommended by Executive Office.

Board Recognition

11. Authorize Certificate of Recognition to the following selected for Agricultural Leadership Awards for outstanding Agricultural contributions by the Merced County Farm Bureau as follows: Alan Sano/Row Crops, Leroy Inman/Agri-Business, Jamie Farao/Agricultural Education, Bert Crane, Jr./Trees and Vines, Dale and Duane Matheron/Dairy and Livestock.
12. Authorize Certificate of Recognition for 40th Wedding Anniversary of Earlynn Rebecca and Randall Seth Miles.
13. Authorize Certificate of Recognition to McSwain School West Campus for Ribbon Cutting.
14. Authorize Certificate of Recognition to individuals selected by Merced County Association of Realtors for 2008 Year as follows: Loren Gonella-Flanadori Award, Anne Rahilly-Affiliate of the Year, Scott Oliver-Presidents Award and 2008 Director, Ernie Ochoa-Jessie Fees Memorial Award, Gail McCullough-Realtor of the Year, Carole McCoy-Lifetime Achievement Award, Dorothy Kielty-2008 President and Charles White as Bill Del Nero Lifetime Achievement Award.
15. Authorize Certificate of Recognition to Tractor Supply Company for celebration of Grand Opening.
16. Authorize Certificate of Recognition and Plaque to Jim Bonta for dedicated services as Gustine City Council Member.
17. Authorize Resolution in recognition of Ronald Scott Johnston for years of service to Public Works-Solid Waste.

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Dept. of Administrative Services

18. Set public hearing for January 27, 2009 at 10:00 a.m. to consider Revision to Local Business Purchasing Preference Ordinance.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

19. Resolution authorizing Chairman to sign Contract with State of California for the Campus Parkway (Phase 2) with State Route 140.

ADOPTED RESOLUTION AND APPROVED AS RECOMMENDED AYES: ALL

20. Review and approve the Public Facilities Impact Fees Annual Report for 2007/08.

APPROVED AS RECOMMENDED AYES: ALL

21. Contract with Noah and Lorna Williams and Grant Deed for acquisition of right-of-way for the Buhach at Ashby Project; authorize payment to Trans County Title Company for the accepted value of property plus escrow and any other transaction fees and adopt Resolution.

ADOPTED RESOLUTION AND APPROVED AS RECOMMENDED AYES: ALL

22. Resolution authorizing the Chairman to sign Contract with California Dept. of Transportation (CALTRANS) for Metal Beam Guardrail Project on Mission Avenue (State Route 99) at a power pole located too close to the traveled way.

ADOPTED RESOLUTION AND APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

23. Contract with Merced City School District for Educational Program Services for students referred to Merced County Alcohol and Drug Services' adolescent program.

APPROVED AS RECOMMENDED AYES: ALL

24. Contract with City of Los Banos for 825 and 827 Colorado Avenue, Los Banos for Westside Office Clinic lease.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

25. Authorize negotiation of Sole Source Contract with UC Davis for Parent-Child Interaction Therapy Certification Training for select Child Welfare Services staff and return to the Board for final approval.

APPROVED AS RECOMMENDED AYES: ALL

26. Authorize Grant Application submission to First 5 of Merced County for \$2,000 to assist Human Services Agency in producing the annual Celebration of Fatherhood in June, 2009 to be returned to the Board for final approval.

APPROVED AS RECOMMENDED AYES: ALL

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HEALTH

27. Contract with State Dept. of Public Health for automated filing of death certificates.

APPROVED AS RECOMMENDED AYES: ALL

PLANNING

28. Contract with Panther Energy Company, LLC on behalf of Machado Brothers, A Calif. General Partnership, property owner, for the reimbursement of consultant costs provided by Michael Brandman & Associates for preparation of an Initial Study for Administrative Application No. AA07-094 (Wil E. Coyote Well Application) for property located at the northwest corner of Sandy Mush Road and Gurr Road in the Merced area.

APPROVED AS RECOMMENDED AYES: ALL

29. Contract with George Reed, Inc., Applicant, for reimbursement of staff and consultant services provided by PBS&J for an EIR for Major Modification MM05-016 to Conditional Use Permit No. 2870 and related applications for mining project to amend Snelling Rural Residential Center and approve the necessary budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

AG. COMMISSION

30. Contract with Calif. Dept. of Pesticide Regulation for Electronic Pesticide Use Reporting Program Update, authorize signing necessary certifications and adopt Resolution.

PULLED FROM THE AGENDA – NO ACTION TAKEN

LIBRARY

31. Authorize the Library to submit Application to ICMA (International City/County Management Association) to provide Youth between the ages of 12 and 18 access to books pertaining to sensitive subjects.

APPROVED AS RECOMMENDED AYES: ALL

AUDITOR

32. Contract with Franchise Tax Board for court-ordered Debt Collection Program and appoint Treasurer-Tax Collector and Reimbursement Officer as Contract Administrator.

APPROVED AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

33. Authorize the removal of Site 3 (Mid Cal Business Park- 113.30 acres) located in Santa Nella from Foreign Trade Zone No. 226 and deny the Request for Relief in the amount of \$5,000 from the associated Minor Boundary Modification Fee.

PULLED FROM THE AGENDA – NO ACTION TAKEN

34. Designate the Commerce, Aviation and Economic Development Director as the Foreign-Trade Zone Administrator and Executive Secretary to the FTZ Advisory Board and the Assistant Director of the Commerce, Aviation and Economic Development as the Deputy FTZ Administrator.

APPROVED AS RECOMMENDED AYES: ALL

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35. Approve the Foreign Trade Zone No. 226 Tariff Schedule Adjustments and adopt Resolution.

APPROVED AS RECOMMENDED AYES: ALL

36. Approve the 2007-2008 Foreign-Trade Zone No. 226 Annual Report and authorize the Commerce, Aviation and Economic Development Director/FTZ Administrator to submit the report to the U.S. Foreign Trade Zones Board.

APPROVED AS RECOMMENDED AYES: ALL

37. Support the work of Business-Education Alliance of Merced (BEAM) through General Plan policy considerations: cooperate with local early care planning councils, encourage the joint use of facilities where possible, review early care demands when considering new development projects and adopt Resolution.

REVIEW BOARD ORDER

38. Contract with Sierra Air Center for Use Fee Contract for designated area at Castle Airport Fuel Truck Parking and Storage.

REVIEW BOARD ORDER

39. Adopt the Castle Airport 5-Year Airport Capital Improvement Plan Annual Update and authorize the signing of the Airport Capital Improvement Plan documents.

APPROVED AS RECOMMENDED AYES: ALL

FIRE

40. Authorize Grant Application with Office of Traffic Safety for purchases of extrication system, ten existing spreading and cutting tools with lightweight combination tools, one rope rescue kit, personal floatation devices and to fund specialized training for firefighting personnel and direct the Fire Chief to return to the Board for award and acceptance.

APPROVED AS RECOMMENDED AYES: ALL

DISTRICT ATTORNEY

41. Contract with Morse Partners for office space located at 1944 M Street for Bureau of Investigations, terminate Contract No. 2005024, sublease for office space and approve the necessary budget transfer.

REVIEW BOARD ORDER

DEPT. OF ADMIN. SERVICES

42. Contract with Superior Court of California for web portal access to Court Case Management System.

APPROVED AS RECOMMENDED AYES: ALL

TREASURER

43. Review and accept the 2009 Investment Policy and the 2009 Treasury Oversight Committee Directive.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

44. Add Section 2.H.11 "Spousal Military Leave" and Section 2.H.12 "Military Caregiver Leave" amending the Human Resources Rules and Regulations Resolution No. 2007-22 and adopt Resolution and add language to the Employee Handbook regarding Spousal Military Leave

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and Military Caregiver Leave.

REVIEW BOARD ORDER

EXECUTIVE OFFICE

45. Contract with Jeff Tenebaum for Indigent Defense Services.

APPROVED AS RECOMMENDED AYES: ALL

46. Acknowledge and ratify Letter to City of Livingston of Notice of Intent to cancel the City/County Revenue Sharing Agreement and direct the Executive Officer to begin process to negotiate a new Revenue Sharing Agreement with the City of Livingston for future Board consideration.

REVIEW BOARD ORDER

47. Approve Interim Asset Management Agreement Termination and Settlement Agreement with Federal Merced Associates, Inc. effective December 31, 2008 and approve Agreement to Negotiate Exclusively Termination and Settlement Agreement with Federal Merced Associates, LLC effective December 31, 2008.

REVIEW BOARD ORDER

BOARD APPOINTMENTS

48. Planning Commission - Appointment.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

49. Authorize participation in the High Speed Rail Citizens Committee in evaluating and establishing a maintenance hub for the Castle Aviation and Economic Development Center and to promote an effort in establishing an ideal station stop in the County; appoint Supervisor Pedrozo, Supervisor Nelson and Mark Hendrickson as the County Representatives to participate in the High Speed Rail Citizens Committee and its efforts; and authorize \$40,000 of District Three-Special Board Project Funds to be forwarded to the High Speed Rail Citizens Committee to support the Committee's efforts to conduct a study for establishing a maintenance hub at or near Castle Aviation and Economic Development Center.

REVIEW BOARD ORDER

50. Authorize \$5,000 of District One and \$5,000 of District Four Special Board Project Funds to be forwarded to the Livingston/Merced Chapter of Japanese Citizens League for building a monument.

APPROVED AS RECOMMENDED AYES: ALL

51. Authorize Letter of Support for Congressman Cardoza's Fixed Interest Rate Proposal to be signed by the Chairman and call on all California Representatives and Senators to sign on to the proposal immediately.

APPROVED AS RECOMMENDED AYES: ALL

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BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

52. State Dept. of Transportation re: Investigation regarding request to construct left-turn lanes on State Route 165 from Merced River to Stanislaus County line.
53. State Fish and Game Commission re: Notice of Proposed Regulatory Action relative to Section 670.5, Title 14, California Code of Regulations, and relating to animals of California declared to be endangered or threatened which will be published in the California Regulatory Notice Register.
54. State Water Resources Control Board re: Notice of Special Meeting - Board Member Organizational Issues and Closed Session.
55. State Water Board re: Notice of Board Meeting on January 6, 2009 at 10:00 a.m.
56. State Water Resources Control Board re: Application 175612 - Order approving Petition for Temporary Transfer of up to 100 acre-feet of water to the United States Bureau of Reclamation.
57. State Water Resources Control Board re: Notice the Dept of Finance has directed to freeze/suspend all new GO Bond invoices and commitments- Propositions 13, 40, 50 and 84 invoices will be put on hold immediately and no new commitments will be formalized.
58. Federal Emergency Management Agency re: CD/DVD provided containing the Digital Flood Insurance Rate Map (DFIRM) database and the digital images of the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) Report(s) for Merced County. (On file with Clerk)

ADOPTED RESOLUTIONs IN MEMORY OF MARY THERESA FLORES, MARY CARDOZA AND TOM MAYFIELD AND RECESSED TO SIT AS REDEVELOPMENT AGENCY AND RECESSED AT 12:15 P.M. TO CONTINUE MEETING IN CLOSED SESSION AND ADJOURNED AT 1:15 P.M. UNTIL TUESDAY, JANUARY 27, 2009 AT 10:00 A.M.

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