



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, FEBRUARY 24, 2009  
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  
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.*

**The Agenda is available online at [www.co.merced.ca.us](http://www.co.merced.ca.us)**

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

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

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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.

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

**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(b): Two Cases

**CLOSED SESSION - 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): Three Cases

**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): San Joaquin Raptor Rescue Center et al v. County of Merced, RMP, Real Party in Interest, Merced Superior Court Case No. 150013 and 150014 Cons. and Corser v. County of Merced, et al., United States Eastern District Court Case No. 1:05-CV-00985-OWW-DLB

**CLOSED SESSION:** It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957.6 concerning a Conference with County of Merced Staff Negotiators concerning negotiations with American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; Independent Employees of Merced County (IEMC), Unit 3; Merced County Lawyers Association, Unit 7; Merced County Sheriff Employee Association (MCSEA), Unit 2; Merced County Law Enforcement Sergeants, Unit P; Deputy Sheriff Association, Unit 10 and Non-Safety Corrections, Unit 12

**THE BOARD RECESSED AT 8:30 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND COUNSEL READ A STATEMENT ADVISING OF ACTION TAKEN IN CLOSED SESSION**

**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**

**PRESENTATION**

Certificate of Recognition - Volunteer Fire Company 61

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) Health-\$16,313 and Commerce, Aviation and Economic Development-\$10,650 and Planning-\$250,000

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items #1 - 14)

**APPROVED AS RECOMMENDED AYES: ALL**

**HUMAN SERVICES AGENCY - PUBLIC HEARING**

To consider Domestic Violence Shelter-Based Program Operations within Merced County pursuant to Welfare and Institutions Code Section 18293(e)

**RECOMMENDATION:** Release Request for Proposal to qualifying domestic violence shelter-based programs within Merced County and return to the Board with a recommendation

**REVIEW BOARD ORDER**

**PLANNING - PUBLIC HEARING**

To consider an Appeal of the Planning Commission approval of Minor Subdivision Application No. MS08-020 submitted by Marsha A. Burch. Said Application filed by Frank Azevedo to divide 139.7 acres into four parcels and a remainder parcel: Parcel 1=20.0 acres, Parcel 2=23.0 acres, Parcel 3=23.0 acres, Parcel 4=39.6 acres and Remainder Parcel=34.1 acres on property located on the east side of Whitworth Road, 1/2 mile south of Gun Club Road in Gustine

**RECOMMENDATION:** Make determination that the Application is exempt from CEQA Review under Section 15061(b)(3) - "Common Sense Exemption" of the CEQA Guidelines and Deny the Appeal and uphold the Planning Commission's approval of Minor Subdivision Application No. MS08-020

**REVIEW BOARD ORDER**

**REPORTS/BOARD DIRECTION**

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

CONSENT CALENDAR (Items #1 - 14)

**APPROVED RECOMMENDATION**

**AYES: ALL**

Public Works

1. Set public hearing for March 17, 2009 at 10:00 a.m. to consider Amending Refuse Service Fees and Charges for County Solid Waste Franchise Areas (Amends Chapter 5.90 and Ordinance No. 1832).
2. Approve and authorize Chairman to sign Amendment to Contract No. 2007259 with Firebaugh Disposal changing the name of the Franchise to Mid Valley Disposal due to transfer of ownership effective February 1, 2009.
3. Authorize the Winton Spring Festival Committee to use Winton County Park from April 14 through 28, 2009 for their Annual Spring Festival, waive the restriction on Alcohol and authorize the sale of beer to the public, waive the hours of operation until 12:00 a.m. on April 17, April 18, April 24 and April 25, 2009, subject to conditions.

Mental Health

4. Approve and authorize Chairman to sign Amendment to Contract No. 2008215 with Victor Treatment Center and approve budget transfer.

District Attorney

5. Approve and authorize Chairman to sign Renewal Contract No. 200027 with Joe and Michelle Corvello for office space for the Multi-Disciplinary Interview Center.

Planning

6. Set public hearing for March 3, 2009 at 10:00 a.m. to consider Appeal of Minor Subdivision Application No. MS08-025 submitted by San Joaquin Raptor Rescue Center/Protect Our Water.

Executive Office

7. Approve Budget Transfers submitted by Fire -\$3,200 and Sheriff-\$15,800 as recommended by Executive Office.

Board of Supervisors

8. Accept and approve Amendment to Biennial Notices from Special Districts for Conflict of Interest Codes.

Board Recognition

9. Authorize Resolution of Appreciation commending Frank Aquitania for service to the County of Merced.
10. Authorize Certificates of Recognition to individuals for their accomplishments in the Merced/Mariposa FFA Project Competition as selected by the Merced/Mariposa Project Competition Committee.
11. Authorize Certificates of Recognition to individuals selected by the Merced Chamber of Commerce for the Year 2008 as follows: Dr. Susan Walsh-Businesswoman of the Year; Doug Fluetsch-Businessman of the Year; Italo-American Lodge-Business of the Year; Peter Fluetsch-Ambassador of Good Will and Dr. Lee Boese, Jr.-Good Business Citizen Award.

12. Authorize Certificates of Recognition for the Atwater Chamber of Commerce Quarter Recognition as follows: Castle Family Health Centers-Business of the Quarter; Robert Flores-Entrepreneur of the Quarter; Glendalyn Smith-Bellevue Elementary School Student of the Quarter; Kayla Marks-Mitchell Senior Elementary School Student of the Quarter and Justin Pearce-Peggy Heller Elementary School Student of the Quarter.
13. Authorize Certificate of Recognition to Alex James Tregembo for his achievement in obtaining the Rank of Eagle Scout, Troop 85.
14. Proclaim January 26 through February 1, 2009 as "Catholic Schools Week" in the County of Merced.

## REGULAR CALENDAR

### BOARD ACTION

#### PUBLIC WORKS

15. Resolution approving the 2009 Update to the Merced County Department of Public Works Improvement Standards and Specifications.

**ADOPTED RESOLUTION AS RECOMMENDED      AYES: ALL**

16. Fenced Holding Area at the John Latorraca Correctional Center - Authorize design and construction of two fenced enclosures with toilet facilities in the Exercise Yard for a cost not to exceed \$172,200; approve the completed construction documents and authorize advertisement and bid process; authorize Public Works to award to lowest responsible bidder as long as within budget and authorize Chairman to sign contract after review by Counsel and direct Public Works to return to the Board with information on action taken.

**REVIEW BOARD ORDER**

17. Authorize development of a Hospital Re-use Study; authorize circulation of Request for Proposal for interested firms to provide services for a comprehensive study of the Merced County Hospital and the development of a re-use plan; authorize Public Works to review and rank proposals, negotiate a contract and return to the Board for approval and approve the necessary budget transfer.

**REVIEW BOARD ORDER**

18. County Emergency Operations and Consolidated 911 Dispatch Center at Castle Airport, Building 1230 - Authorize Contract with George Miers Architects to determine compliance with the Essential Services Act; authorize the Chairman to sign upon approval of Counsel and Public Works and direct Public Works to negotiate the Architectural Design Fee and return to the Board for approval.

**APPROVED AS RECOMMENDED      AYES: ALL**

#### HUMAN SERVICES AGENCY

19. Authorize submission of Application to First 5 Merced County for grant funding in support of the All Dads Matter Program for up to \$300,000 per year for up to three fiscal years beginning 2009-10 and authorize Human Services Agency Director to return to the Board if awarded for final approval.

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

20. Contract with University of California, Davis for Parent Child Interaction Therapy Certification Training for select Child Welfare Services staff in the amount of \$13,000.  
**APPROVED AS RECOMMENDED      AYES: ALL**

21. Authorize Sole Source Contract with Merced Lao Family Community, Inc. for services to Elderly Refugees.  
**APPROVED AS RECOMMENDED      AYES: ALL**

**AG. COMMISSIONER**

22. Contract with Dr. Lauren Sampson, DVM for Limited Independent Veterinarian services for the Animal Shelter and approve the necessary budget transfer.  
**APPROVED AS RECOMMENDED      AYES: ALL**

**LIBRARY**

23. Authorize acceptance of Grant Award from California State Library for Calif. Library and Literacy and English Acquisition Services Program (CLLS) Grant funds in the amount of \$41,000 to be used towards developing a Literacy Program and authorize the Librarian and Auditor to sign and submit the CLLS Form and approve the necessary budget transfer. (4/5 Vote Required)  
**APPROVED AS RECOMMENDED      AYES: ALL**

**FIRE**

24. Authorize submission of Grant Application to California Dept. of Forestry and Fire Protection for Volunteer Fire Assistance Program funding and direct the Fire Chief to return to the Board for final Award approval.  
**APPROVED AS RECOMMENDED      AYES: ALL**

**COOPERATIVE EXTENSION**

25. Contract with Madera County for Farm Advisor to serve Merced County reimbursing mileage rate of \$.54 per mile for vehicle used by Madera County when providing Farm Advisor services to Merced County.  
**APPROVED AS RECOMMENDED      AYES: 1, 3, 4, 5      ABSTAIN: 2**

**DEPT. OF WORKFORCE INVESTMENT**

26. Authorization to open Summer Youth Employment Program related to the President's Economic Stimulus; approve the allocations for: Extra Help Youth Counselor (BU 55000) and Extra Help Youth Program Participants (BU 55001) to be added to the Dept. of Workforce Investment Department and adopt Resolutions amending the Salary and Position Allocation.  
**ADOPTED RESOLUTIONS AS RECOMMENDED      AYES: ALL**

**SHERIFF**

27. Contract with Wavestop Satellite to provide Ethersat Internet Service for the Sheriff's new Command Post Satellite System.  
**REVIEW BOARD ORDER**
28. Authorize the purchase of canine McGruff for \$1.00 from Deputy Sheriff Doug Aue and authorize Chairman to sign Contract.  
**APPROVED AS RECOMMENDED      AYES: ALL**

## COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

29. Resolution authorizing Contract with The State Store, Inc. for FOCUS Program Procurement Vehicle and authorize Chairman to sign Award Announcement Letter.

**ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL**

## EXECUTIVE OFFICE

30. Deferred Compensation Standing Committee - Appointments.

**APPROVED AS RECOMMENDED AYES: ALL**

31. Remain with the NACO sponsored Deferred Compensation Program administered by Nationwide Retirement Systems; authorize the addition of the Schwab, Self Directed Brokerage Option to the County's Deferred Compensation Plan and authorize Chair to sign the Schwab Personal Choice Retirement Account (PCRA) Plan Application; approve the Custodial Agreement with Nationwide Trust Company, FSB and authorize Chair to sign Contract and other necessary documents.

**APPROVED AS RECOMMENDED AYES: ALL**

32. Approve Amendment to Merced County's 457 Deferred Compensation Plan Document authorizing "Loans to Participants Amendment to Plan Document" and approve Participant Loan Administrative Procedures and authorize Chair to sign necessary documents.

**APPROVED AS RECOMMENDED AYES: ALL**

## BOARD OF SUPERVISORS

33. Authorize \$1,533 of Special Board Project Funds-District Five to be forwarded to Public Works for reimbursement of cost to purchase and install a new front door at the Carver Center.

**PULLED FROM AGENDA – NO ACTION TAKEN**

34. Authorize \$2,500 of Special Board Project Funds-District Five to be forwarded to the Merced Assembly Center Commemorative Committee for building a monument.

**APPROVED AS RECOMMENDED AYES: ALL**

35. Authorize Letter of Support to Federal Energy Regulatory Commission relating to Merced Irrigation District's Relicensing of the Merced River Hydroelectric Project (Project No. 2179).

**APPROVED AS RECOMMENDED AYES: ALL**

## PLANNING

36. Direct Staff to seek a revised Scope of Work to increase services with Mintier Harnish and return to the Board at March 17, 2009 Board Meeting with contract amendment to include: revised scope of work, increased costs and project schedule modifications to extend completion of the General Plan Update Program.

**REVIEW BOARD ORDER**

37. Neighborhood Stabilization Program (NSP) eligibility to receive Federal NSP funds through the Federal Dept. of Housing and Urban Development (HUD) - Authorize initiation of a public outreach effort to create a waiting list of pre-qualified applicants for Neighborhood Stabilization Program (NSP), Home, CDBG and related affordable housing program funds; authorize staff to set a public hearing for Board consideration of the NSP application for submittal to the State Dept. of Housing and Community Development meeting the program deadlines and authorize Staff to establish a Trust Account for possible funding of a local housing trust.

**REVIEW BOARD ORDER**

## BOARD APPOINTMENTS

38. Planning Commission - Reappointment.  
**APPROVED AS RECOMMENDED**      **AYES: ALL**
39. Treasury Oversight Committee - Appointment.  
**APPROVED AS RECOMMENDED**      **AYES: ALL**
40. Law Library Board of Trustees - Appointments.  
**APPROVED AS RECOMMENDED**      **AYES: ALL**
41. Advisory Board on Alcohol and Other Drug Problems - Reappointment.  
**APPROVED AS RECOMMENDED**      **AYES: ALL**
42. Merced Cemetery District - Appointment.  
**APPROVED AS RECOMMENDED**      **AYES: ALL**
43. Merced County Local Child Care and Development Planning Council - Reappointments.  
**APPROVED AS RECOMMENDED**      **AYES: ALL**

## BOARD INFORMATION & POSSIBLE ACTION

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

44. San Joaquin Valley Air Pollution Control District re: Notification of Citizens Advisory Committee vacant positions.
45. State Fish and Game Commission re: Notice of Proposed Emergency Regulatory Action relating to Incidental Take of California Tiger Salamander.
46. State Fish and Game Commission re: Regulation process to amend language for adoption of various Sections of Title 14, California Code of Regulations and notice that language differed than was provided to the public - exercise of powers to provide changes for public comment period.
47. State Water Resources Control Board re: Petition of Environmental Law Foundation (Waste Discharge Requirements Order No. R5-2007-0036 [NPDES No. CA0079194] and Time Schedule Order No. R5-2007-0037 for City of Tracy) and California Sportfishing Protection Alliance (Waste Discharge Requirements Order No. R5-2007-0036 [NPDES No. CA0079154] and Time Schedule Order No. R5-2007-00376 for City of Tracy), Central Valley Water Board Meeting Notification.
48. California Clean Water State Revolving Fund Program re: Notice the Division of Financial Assistance is seeking comments from interested parties or stakeholders regarding the program's short and long-term goals and measure of success in achieving goals and Notice of 2009 Public Workshops.

**ADOPTED RESOLUTIONS IN MEMORY OF MRS. ROSE, WOODY CAMPINI, THERESE WAY, FREDERICK WORDEN AND EDWIN SCORBY AND RECESSED TO SIT AS A REDEVELOPMENT AGENCY AND ADJOURNED UNTIL TUESDAY, MARCH 3, 2008 AT 9:00 A.M.**