

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, APRIL 07, 2009  
Closed Session – 2:30 p.m.  
Regular Meeting – 4:00 p.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

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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

2:30 P. 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 REAL PROPERTY**

**NEGOTIATOR:** It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator Mark Hendrickson, Director-Commerce, Aviation and Economic Development pursuant to Government Code Section 54956.8 as follows: Castle Property

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

**SIGNIFICANT EXPOSURE TO LITIGATION:** It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Government Code Section 54956.9(b): Four 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): 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): Affholter, et al v. Franklin County Water, et al, United States Eastern District Court Case No. 1:07-cv-0388

**THE BOARD RECESSED AT 2:30 P.M. AND RECONVENED AT 4:00 P.M. WITH ALL MEMBERS PRESENT**

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

4:00 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)**

4:00 P. M.

**PRESENTATION**

Recognition of NAACP-Merced County Chapter President Michelle Allison

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) Mental Health-\$100,000

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items #1 - 20)

**APPROVED AS RECOMMENDED REMOVING ITEM NO. 20 FOR SEPARATE CONSIDERATION AYES: ALL**

**REPORTS/BOARD DIRECTION**

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

CONSENT CALENDAR (Items #1 - 20)

**APPROVED AS RECOMMENDED EXCEPT ITEM NO. 20 FOR SEPARATE CONSIDERATION AYES: ALL**

Public Works

1. Approve and authorize the Chairman to sign Amendment to Contract No. 2004378 with Snelling Courthouse Historical Foundation for Snelling Courthouse improvements.

Mental Health

2. Approve and authorize the Chairman to sign Renewal Contract No. 2004105 with Health for transport of incoming and outgoing Interdepartmental mail.
3. Approve and authorize the Chairman to sign Amendment to Contract No. 2007005 with State Dept. of Mental Health for Mental Health Services Act Contract, designate the Mental Health Director to act as Fiscal and Administrative Agent and adopt Resolution.  
**ADOPTED RESOLUTION NO. 2009-26**
4. Approve and authorize the Chairman to sign Amendment to Contract No. 2008059 with Cynthia's Residential Care Facility for Board and Care Services.
5. Approve and authorize the Chairman to sign Amendment to Contract No. 2008134 with Crestwood Behavioral Health, Inc. for special services to mental health consumers.

Planning

6. Approve and authorize the Chairman to sign Addendum to Contract No. 2006292 with PBS&J for preparation of Environmental Review and Permit Processing applications.

Fire

7. Approve and authorize the Chairman to sign Renewal Contract No. 2005019 with Calif. Dept. of Forestry and Fire Protection for Fire Protection for FY 2008/09 and adopt Resolution.  
**ADOPTED RESOLUTION NO. 2009-27**

Sheriff

8. Approve and authorize the Chairman to sign Renewal Contract No. 2005273 with Merced College for Correctional Officer Core Academy.
9. Approve and authorize the Chairman to sign Renewal Contract No. 2003249 with City of Atwater Police Department for Law Enforcement Communication Services.
10. PULLED

Executive Office

11. Approve and authorize the Chairman to sign Renewal Contract No. 2004069 with Terry Roberts dba Ashgrove Risk Management Services for risk management consulting services.
12. Act on Claims for Damages received from Susan Cardoza (2009-017) and Maria Greppin (2009-018) as recommended by Risk Management.
13. Approve Budget Transfers submitted by Human Services Agency-\$1,275 and Public Works-\$0 as recommended by Executive Office.
14. Approve Travel Request submitted by Mental Health as recommended by Executive Office.

Board Recognition

15. Proclaim the week of April 6 through 12, 2009 as National Public Health Week in Merced County.
16. Authorize Certificate of Recognition to Merced Kiwanis Club for continued sponsorship of the Merced County Junior Olympics Track and Field Meet.
17. Authorize Certificate of Recognition to Jeff Palsgaard for years of service to Merced County.
18. Authorize Certificate of Recognition to Monsignor Harvey Fonseca for elevation to Monsignor and appointment by Pope Benedict XVI as "Chaplain of Honor to His Holiness".
19. Authorize Resolution commending Joseph Cox for efforts in serving the Seniors of Merced County as a member of the California Senior Legislator from October 1997 through October 2008.

Board of Supervisors

20. Approve Minutes of November 18, 2008 and December 9 and 16, 2008 as submitted.  
**APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 ABSTAINED: 2**

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

21. Approve plans and specifications for Additional Modular Building at the Transit Facility/Dial-A-Ride Dispatch Center to be bid as two bid packages; authorize Public Works to advertise the bids for respective portions of the project and authorize Admin. Services to issue a Purchase Order to the lowest responsive bidder for the modular building and authorize Public Works Director to award contract to the lowest responsible bidder provided the bid is

within the project budget and authorize Chairman to sign after approval by Counsel and direct a report come back to the Board on actions taken.

**AUTHORIZED CONTRACT NO. 2009056 AS RECOMMENDED AYES: ALL**

22. Approve plans and specifications for the Main Library Recarpeting Project; approve the removal of the decorative fountain and preserving the centerpiece in another area of the building; authorize Admin. Services to issue requests for bids and issue a Purchase Order to the lowest responsive bidder provided that the bid is within the available project funding; approve the budget transfer-\$114,747 and direct a report back to the Board on actions taken.

**AUTHORIZED CONTRACT NO. 2009058 AS RECOMMENDED AYES: ALL**

23. Approve Real Estate Contract with Joe and Leonila Perez for acquisition of right-of-way for the Buhach @ Ashby Project and authorize Chairman to sign after approval of Counsel; approve payment to Trans County Title Company for the accepted value of property plus escrow and any other transaction fees and adopt Resolution.

**AUTHORIZED CONTRACT NO. 2009057 AND ADOPTED RESOLUTION NO. 2009-28 AS RECOMMENDED AYES: ALL**

#### MENTAL HEALTH

24. Contract with Merle V. Charles as the Patients' Rights Advocate.

**AUTHORIZED CONTRACT NO. 2009059 AS RECOMMENDED AYES: ALL**

25. Contract with Golden Years Residential Care Home for Residential Care for consumers.

**AUTHORIZED CONTRACT NO. 2009060 AS RECOMMENDED AYES: ALL**

26. Authorize identification of available space in Merced to house Mental Health Alcohol and Drug Programs and Administration and contract negotiation with contract to be returned to the Board for final approval.

**APPROVED AS RECOMMENDED AYES: ALL**

#### HUMAN SERVICES AGENCY

27. Authorize negotiation of Sole Source Contract with Cooper, Hoffman & Powell, LLC to provide a 2-day Circle of Security Training Workshop to social workers and community partners and return to the Board for final approval.

**APPROVED AS RECOMMENDED AYES: ALL**

#### PLANNING

28. Contract with Central Valley Concrete for reimbursement of consultant costs for preparation of an Initial Study/Mitigated Negative Declaration for Conditional Use Permit No. CUP06-008 which proposes to level existing land by excavating 2.2 million cubic yards of sand from a 42-acre portion of a 321-acre parcel over a 10 year period between Merced and Snelling and approve necessary budget transfer-\$39,124. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2009062 AS RECOMMENDED AYES: ALL**

#### COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

29. Contract with Cecil (Ed) Banks for Castle Commerce Center Lease for land (approximately 2,400 sq feet) located on a concrete parking ramp.

**AUTHORIZED CONTRACT NO. 2009063 AS RECOMMENDED AYES: ALL**

30. Contract with Hoffman Electronic Systems, Inc. for lease of Building 115 (approximately 8,700 square feet) and Building 1562 (approximately 2,400 square feet) which serve as electronic security system office and warehouse.

**AUTHORIZED CONTRACT NO. 2009064 AS RECOMMENDED AYES: ALL**

**DEPT. OF WORKFORCE INVESTMENT**

31. Authorize adjustments to Personnel and Salary Classifications for the Workforce Investment System by adding to and modifying positions related to anticipated funding from the Economic Stimulus for the Work Experience Employment Program as follows: Amend the job classification of Extra Help Adult Program Participant to Extra Help Program Participant for BU 55200, 55300 and 55600 to reflect the Classification Change; authorize allocation of an additional Extra Help Program Participant in BU 55001 and approve modifications and additions to Resolution No. 2006-120 and adopt Resolution.

**REVIEW BOARD ORDER – SEE PAGE 10**

**FIRE**

32. Authorize submission of Grant Application to Federal Emergency Management Agency for FEMA Fire Prevention and Safety Grant in the amount of \$254,629 and direct Fire to return to the Board prior to accepting award.

**REVIEW BOARD ORDER – SEE PAGE 10**

**SHERIFF**

33. Authorize Sole Source purchase of PROTECH Ballistic Vests for the SWAT Team and authorize issuance of Purchase Order to LC Action Police Supply to deal solely and directly with Safariland for purchase of custom made vests.

**AUTHORIZED CONTRACT NO. 2009065 AS RECOMMENDED AYES: ALL**

34. Contract with 35th District Ag. Association for Law Enforcement Services.

**AUTHORIZED CONTRACT NO. 2009066 AS RECOMMENDED AYES: ALL**

35. Authorize initiation of a Request for Proposal for the procurement of two canines, select the most responsive provider and negotiate a contract to be returned to the Board for final award.

**APPROVED AS RECOMMENDED AYES: ALL**

36. Authorize Sheriff to submit Electronic Application for the COPS Hiring Recovery Program (CHRP) Grant through U.S. Dept. of Justice-Office of Community Oriented Policing Services (COPS) for the hiring of five additional entry level Deputy Sheriffs understanding the Sheriff will return to the Board for acceptance of grant if awarded funding.

**REVIEW BOARD ORDER – SEE PAGE 11**

**SPRING FAIR**

37. Authorize development and release of a Request for Proposal for Sound Service at the Spring Fair and select the most responsive provider to perform such services and return to the Board for final approval.

**APPROVED AS RECOMMENDED AYES: ALL**

38. Approve a Cash Flow Loan to Spring Fair from the General Fund of up to \$600,000 bearing an Interest Rate equal to the rate earned by the Merced County Treasury; proceeds will primarily be used to pay sellers at Spring Fair's 2009 Junior Livestock Auction through the

Spring Fair's Wells Fargo Bank Account, the loan will be repaid as payments are received from the buyers, prior to October 21, 2009; authorize the Auditor to utilize \$8,000 of the loan proceeds to increase Spring Fair's Change Fund for operation of the 2009 Fair and Spring Fair will return the \$8,000 at the close of the Fair and approve the necessary budget transfer-\$600,000. (4/5 Vote Required)

**APPROVED AS RECOMMENDED      AYES: ALL**

**COUNSEL**

39. Accept Grant Deed from City of Los Banos and authorize Chairman to execute necessary documents to complete the property exchange with the City of Los Banos (One Deed from City of Los Banos granting to County and One Deed-County granting portion of APN 025-082-003) and adopt Resolution.

**AUTHORIZED CONTRACT NO. 2009069, GRANT DEED NO. 200902GD AND ADOPTED RESOLUTION NO. 2009-31 AS RECOMMENDED      AYES: ALL**

40. Contract with Albert Randall for professional legal services.

**AUTHORIZED CONTRACT NO. 2009067 AS RECOMMENDED      AYES: ALL**

41. Contract with Meyers, Nave, Riback, Silver & Wilson PLC for professional legal services.

**AUTHORIZED CONTRACT NO. 2009068 AS RECOMMENDED      AYES: ALL**

42. Appoint two members of the Board to serve as Advisory Sub-committee members to assist in selecting and directing an executive search firm for the County's recruitment of a new County Executive Officer.

**REVIEW BOARD ORDER SEE PAGES 11 AND 12**

**BOARD OF SUPERVISORS**

43. Authorize Special Board Project Funds-District One and District Two in the amount of \$2,500 each for a total of \$5,000 to be forwarded to the Merced Union High School District to assist with the purchase of a flagpole, plaque and flowerbed structure at Merced High School Campus.

**APPROVED AS RECOMMENDED      AYES: ALL**

44. Authorize Special Board Project Funds-District One in the amount of \$1,000 to be forwarded to the Friends of the Fair Committee at the 35th District Ag. Association for repairs to the agricultural barns.

**APPROVED AS RECOMMENDED      AYES: ALL**

45. Change the June 9, 2009 Board Meeting to an Evening Meeting and change August 4, 2009 and December 8, 2009 to begin at 10:00 a.m.

**APPROVED AS RECOMMENDED      AYES: ALL**

46. Discuss and direct Staff to ascertain the viability and willingness of all potential stakeholders to be a part of and participate in an Integrated Regional Water Management (IRWM) Program and return to the Board on April 14 with a recommendation.

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

47. Authorize Chairman to sign the Comment Letter for the High Speed Rail Scoping Process and authorize the letter to be submitted to the California High Speed Rail Authority in addition to any other interested parties.

**APPROVED AS RECOMMENDED      AYES: ALL**

EXECUTIVE OFFICE

- 48. Merced County Volunteer Recognition Program - Recognize April 19-25, 2009 as Volunteer Week, set May 12, 2009 as the date for Awarding the Volunteer Recognition and Service Program certificates in the County of Merced and direct staff to coordinate applications, nominations and screening committee with April 22, 2009 as the deadline to receive applications/nominations.

**REVIEW BOARD ORDER – SEE PAGE 13**

- 49. Authorize Letter of Support for AB 268 (Gains) relative to State Water Resources Control Board regulations, which, when passed will repeal AB 885 minimum onsite sewage standards.

**APPROVED AS RECOMMENDED      AYES: ALL**

BOARD APPOINTMENTS

- 50. Gustine Romero Conservation District – Appointed Frank Azevedo until November 1, 2010 and Andrew Bloom and Dennis Borrelli until November 29, 2012.

**APPROVED AS RECOMMENDED      AYES: ALL**

- 51. Winton Cemetery District - Reappointed John Vance until February 18, 2013.

**APPROVED AS RECOMMENDED      AYES: ALL**

- 52. Advisory Board on Alcohol and Other Drug Problems – Appointed Richard Ayala, District Five representative, until June 30, 2012.

**APPROVED AS RECOMMENDED      AYES: ALL**

- 53. Local Child Care and Development Planning Council – Appointed Corinne Britt, Consumer representative, until June 30, 2010.

**APPROVED AS RECOMMENDED      AYES: ALL**

- 54. Public Facilities Financing Review Committee – Appointed Development Serv. Director Bobby Lewis, County Counsel James Fincher and Auditor-Controller Lisa Cardella-Presto to serve at the Pleasure of the Board.

**APPROVED AS RECOMMENDED      AYES: ALL**

- 55. Santa Cruz-Monterey-Merced Managed Medical Care Commission - Appointments.

**REVIEW BOARD ORDER – SEE PAGE 14**

BOARD INFORMATION & POSSIBLE ACTION

**ACCEPTED AND PLACED ON FILE WITH ITEM #58 PULLED FOR SEPARATE ACTION**

**AYES: ALL**

- 56. Public Works re: Notice of Contract Award to Amerine Systems for the Winton Park Ballfield Upgrade Project.

**AUTHORIZED CONTRACT NO. 2008313**

- 57. California Gas Gathering, Inc. re: Franchise to install, operate and maintain a gas pipeline within the County Road Right of Ways - California Gas Gathering, Inc. has not yet installed the pipeline and no annual fee is due and a Bond of \$10,000 has been posted pursuant to Section 17 of Franchise Ordinance No. 1650.

- 58. Atkinson, Andelson, Loya, Ruud & Romo, A Professional Corporation re: Letter of request to consolidate Gustine Unified School District School Board Member elections with the



Statewide General Elections effective in 2010.

**REVIEW BOARD ORDER – SEE PAGE 14**

59. Merced Union High School District re: Resolution No. 18-08, authorizing the issuance of Merced Union High School District (Merced County, California) Election of 2008 General Obligation Bonds, Series A, in a principal amount not to exceed \$30,000,000.
60. California Natural Resources Agency re: Petition for Change to Consolidate the State Water Project, Central Valley Project and Friant Authorized Places of Use.
61. State Department of Justice re: Shaping Local Land Use Patterns to Meet the Requirements of AB 32.
62. Delhi County Water District re: Well Monitoring Results for 1,2,3-Trichloropropane.

**ADOPTED RESOLUTION IN MEMORY OF GEOFFREY STRETCH AND ADJOURNED  
THE MEETING UNTIL TUESDAY, APRIL 14, 2009 AT 10:00 A.M.**

## **BOARD ORDERS – SUMMARY ACTION MINUTES – APRIL 7, 2009**

### **ACTION ITEM NO. 31**

#### **2009-04-07 DEPT OF WORKFORCE INVESTMENT**

The Clerk announces adjustments to Personnel and Salary Classification for the Workforce Investment System from Dept. of Workforce Investment is before the Board for consideration.

Supervisor O'Banion questions if the recommended action has any affect on the November 2008 Reduction in Force.

Department of Workforce Investment Director Andrea Baker states the recommended action is for the Work Experience Employment Program participants who receive experience as part of education and training so that they are employable, it does not involve County employees.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board authorizes adjustments to Personnel and Salary Classifications for the Workforce Investment System by adding to and modifying positions related to anticipated funding from the Economic Stimulus for the Work Experience Employment Program as follows: amends the job classification of Extra Help Adult Program Participant to Extra Help Program Participants for Budget Unit 55200, 55300 and 55600 to reflect the Classification Change, authorizes allocation of an additional Extra Help Program Participant in Budget Unit 55001 and approves modifications and additions to Resolution No. 2006-120 and adopts Resolution Nos. 2009-29 (Salary) and 2009-30 (Position Allocation).

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

### **ACTION ITEM NO. 32**

#### **2009-04-07 FIRE**

The Clerk announces a Grant Application for FEMA Fire Prevention and Safety Grant from Fire is before the Board for consideration.

Fire Chief Scott Newman states in the Staff Report the price of the Ford Sedans is overstated and a computer was omitted which changes the grant amount to \$185,476.46.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Nelson, duly carried, the Board authorizes submission of the FEMA Fire Prevention and Safety (FP&S) Grant Application in the amount of \$185,476.46 and directs Staff to return to the Board with results and authorization prior to accepting the grant award.

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

**ACTION ITEM NO. 36**  
**2009-04-07 SHERIFF**

The Clerk announces a COPS Hiring Recovery Program Application from the Sheriff is before the Board for consideration.

Supervisor O'Banion asks if at the conclusion of the grant, the County will have to backfill the grant funded positions with County dollars and states if any General Funds will be required he cannot support the requested action.

Supervisor Nelson asks if the County will be responsible for the step increases for these positions since the grant is for entry level only.

County Executive Officer Demitrios Tatum advises if the grant is awarded and the Sheriff has not provided a match for appropriate funding, the Board will still have the opportunity to decline.

Undersheriff Bill Blake advises currently there is no sourcing after the grant ends and the County would be responsible for raises and step increases.

Supervisor O'Banion states funding for these positions needs to be addressed when this matter comes back to the Board.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Nelson, duly carried, the Board authorizes the Sheriff to submit the Application for the COPS Hiring Recovery Program (CHRP) Grant with the US Dept. of Justice-Office of Community Oriented Policing Services (COPS) for the hiring of five additional entry level Deputy Sheriff's and directs the matter come back to the Board for acceptance of the grant, if awarded funding.

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

**ACTION ITEM NO. 42**  
**2009-04-07 COUNTY COUNSEL**

The Clerk announces appointment of an Advisory Sub-Committee to assist in the recruitment of a new County Executive Officer from Counsel is before the Board for consideration.

Administrative Services Director Mark Cowart reviews the steps staff has taken regarding the recruitment process for a County Executive Officer and advises the request before the Board is to appoint two Board members to an Advisory Sub-committee to assist in selecting and directing an executive search firm.

Supervisor O'Banion suggests the Chairman and Vice Chairman for 2010 be appointed to serve on the sub-committee since this process may conclude closer to the end of the year.

Supervisor Pedrozo suggests this year's Chairman and one other Board Member be appointed.

Following discussion, Supervisor O'Banion moves, seconded by Supervisor Nelson, the Board appoint 2009 Chairman Deidre Kelsey and 2009 Vice Chairman Jerry O'Banion to serve as members of the Advisory Sub-committee to assist in selecting and directing an executive search firm for the recruitment of a new County Executive Officer.

Supervisor Walsh asks for clarification on the process after the Sub-committee has completed its interview process.

County Counsel James Fincher advises closed session is preferable to maintain confidentiality and to avoid having the process challenged.

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

**ACTION ITEM NO. 46**  
**2009-04-07 BOARD OF SUPERVISORS**

The Clerk announces discussion and direction to Staff relative to the participation in an Integrated Regional Water Management (IRWM) Program is before the Board for consideration.

The Chairman advises there is a funding opportunity for regions that collaborate and put together Management Plans for flood control and regional water management but there is a short time frame involved. Today's suggested action is to direct staff to compose a document with various County agencies and County departments that would have interest and to return to the Board with a recommended action.

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

Cole Upton, farmer in southern Merced County, representing Merced Area Groundwater Pool Interests (MAGPI) and Athlone Water District, shares the County's concern about flooding in Merced County and handling the problem. He advises a consultant for Mariposa County and Madera County staff appeared at the last MAGPI meeting and requested MAGPI become part of a 3 ½ integrated County region to qualify for maximum amount of this funding. MAGPI voted nine to one to not expand its boundaries and will submit its own plan for funding however, they will continue to work cooperatively through a Memorandum of Understanding with Mariposa and Madera Counties.

Isham Ithol, MID employee and Chairman of MAGPI, provides background on the regional water management plan and his understanding of the State's intent. He speaks to the importance of parties working cooperatively to compose plans for a project that will serve more than one purpose. He further states MAGPI is currently putting an application together for submission to the State and will work with Merced County in this endeavor with the County taking the lead if it wishes.

Cindy Lashbrook, farmer on Merced River and member of Merced River Alliance Project, gives a brief overview of a State grant awarded to the Merced River Alliance Project. Ms.

Lashbrook states MAGPI will be one of the most important stakeholders and states she does not feel there is any reason to break this up even if larger regions become the planning region.

Supervisor Nelson states Merced County and MAGPI already collaborate and he does not see any reason to change.

Chairman Kelsey comments on the different areas where Merced County collaborates with other counties and states the Board suggests staff work on this matter and return to the Board next week with more information.

Supervisor O'Banion states he does not want to jeopardize MAGPI's application and since the County is a member of MAGPI, MAGPI should be allowed to go forward with their application and it does not mean there is no collaboration.

Supervisors Pedrozo and Walsh request more information.

Following further discussion, Supervisor Pedrozo moves, seconded by Supervisor Kelsey, the Board direct staff to ascertain the viability and willingness of all potential stakeholders to be a part of and participate in an Integrated Regional Water Management Program and return to the Board on April 14, 2009, with a recommendation.

Supervisor Walsh asks if a one week delay with negatively impact MAGPI's application.

MAGPI Chairman Mr. Ithol states a one week delay will cause a push for time.

Supervisor O'Banion states he cannot support the motion citing a week's delay may place MAGPI's application in jeopardy and the Board should support MAGPI.

The Chairman calls for a vote on the motion.

Supervisors Walsh, Nelson and O'Banion vote "no". Motion fails.

Ayes: Kelsey, Pedrozo

Noes: Walsh, Nelson, O'Banion

#### **ACTION ITEM NO. 48**

#### **2009-04-07 EXECUTIVE OFFICE**

The Clerk announces the Merced County Volunteer Recognition Program is before the Board for consideration.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board recognizes April 19 – 25, 2009, as "Volunteer Week", sets April 22, 2009, as the deadline to receive applications/nominations and sets May 12, 2009, as the date for awarding the Volunteer Recognition and Service Program certificates and directs staff to coordinate applications, nominations and the screening committee.

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

**ACTION ITEM NO. 55**

**2009-04-07 SANTA CRUZ-MONTEREY-MERCED MANAGED MEDICAL CARE COMMISSION**

The Clerk announces appointments to the Santa Cruz-Monterey-Merced Managed Medical Care Commission is before the Board for consideration.

Supervisor O'Banion states, for the record, the recommendation that the Board Chairman Appointment change from year to year does not coincide with the adopted Ordinance.

Upon motion of Supervisor Nelson, seconded by Supervisor Walsh, duly carried, the Board appoints Chairman Deidre Kelsey and Public Health Director John Volanti to serve on the Santa Cruz-Monterey, Merced Managed Medical Care Commission.

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

**BD INFO ITEM NO. 58**

**2009-04-07 BOARD OF SUPERVISORS**

Upon motion of Supervisor Nelson, seconded by Supervisor O'Banion, duly carried, the Board requests correspondence received from Atkinson, Andelson, Loya, Ruud & Romo, A Professional Corporation requesting the Board consolidate the Gustine Unified School District School Board Member elections with the Statewide General Elections effective in 2010 come back to the Board with the necessary action.

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