

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, MAY 12, 2009

Closed Session – 9:30 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

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

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE
INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE

Persons who require accommodation for any audio, visual or other disability in order to review an agenda, or to participate in a meeting of the Board of Supervisors per the American Disabilities Act (ADA), may obtain assistance by requesting such accommodation in writing addressed to the Clerk of the Board, 2222 M Street, Merced, CA 95340 or telephonically by calling (209) 385-7366. Any such request for accommodation should be made at least 48 hours prior to the scheduled meeting for which assistance is requested

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

9:30 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 - 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

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): One Case

THE BOARD RECESSED AT 9:30 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED STAFF WAS GIVEN DIRECTION

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA

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 16

PRESENTATIONS

(1) Service Pins Presentation

30 Years: Sharon Richards, Tax Collector

15 Years: Mark Taylor, Sheriff

A RECEPTION WILL BE HELD IN ROOM 310 IN HONOR OF THE AWARDS

(2) 2009 Volunteers of the Year Recognition

DISTRICT ONE: Flora Martinez, Alex McCabe and Ernestine Woods

DISTRICT TWO: Fred Buckingham, Shirley Olson, H.I.C.A.P. and Merced Breakfast Lions

DISTRICT THREE: Charlene Armstrong, Bill and Betty Gnass and Georgia Johnson

10:00 A. M.

(2) 2009 Voluteers of the Year Recognition - Continue

DISTRICT FOUR: Wayne Medina, Nadine Nauman, Kelly Thomas, Gustine Chamber of Commerce and Winton Municipal Advisory Council

DISTRICT FIVE: Alicia Dicochea, David Langely, Joe and Bonnie Roberts, Lynn "Sandy" Wakeling and Barbara Weaver

A RECEPTION WILL BE HELD IN ROOM 310 IN HONOR OF THE AWARDS

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Ag. Commissioner-\$40,300; District Attorney-\$25,764; Human Services Agency-\$15,117; Mental Health-\$5,000 and Sheriff-\$60,000

Mental Health-\$18,500 (Simple Majority)

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 51)

APPROVED AS RECOMMENDED WITH ITEM #39 PULLED

AYES: ALL

(1) PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider Proposed Ordinance: An Ordinance Entitled Facility Use Policy, Facility Rental Rates, Vehicle Entrance Fees, Parking Fees and Special Event Fees for County Parks (Amends Ordinance No. 1792)

REVIEW BOARD ORDER – SEE PAGE 16

(2) PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider Proposed Ordinance: An Ordinance Regulating the Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Occupancy, Equipment, Use, Height, Area and Maintenance of all Buildings or Structures in the County of Merced; and Providing for the Issuance of Building Permits and Collection of Fees Therefore (Amends Code Section 16.12.090 and Ordinance No. 1843)

REVIEW BOARD ORDER – SEE PAGE 17

(3) PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider Proposed Ordinance: An Ordinance to Adjust the Fees for Improvement Plan Review and Construction Inspection of Subdivision Projects and Miscellaneous Document Review and Processing (Amends Code Sections 16.08.030.D.3 and D.4 and Ordinance No. 1840)

REVIEW BOARD ORDER – SEE PAGE 17

(4) PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider Proposed Ordinance: An Ordinance Amending "Fee Schedule" to Increase Fees for Processing and Examining Parcel Maps, Subdivision Maps, and Record of Survey Maps (Amends Code Section 17.04.020 and Ordinance No. 1842)

REVIEW BOARD ORDER – SEE PAGES 17 AND 18

(5) PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider Proposed Ordinance: An Ordinance Amending "Regional Transportation Impact Fee (RTIF)" (Amends Code Section 5.68.060 and Section 5.68.100 and Ordinance No. 1844)

REVIEW BOARD ORDER – SEE PAGE 18

(6) PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider Proposed Ordinance: An Ordinance to Adjust the Fees for Encroachment Permit Fees (Amends Code Section 13.30.030 and Ordinance No. 1841)

REVIEW BOARD ORDER – SEE PAGES 18 AND 19

(7) MENTAL HEALTH - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider Proposed Ordinance: An Ordinance Changing Fees Charged for Mental Health Services (Amends Code Chapter 9.48 and Supersedes Ordinance No. 1851)

REVIEW BOARD ORDER – SEE PAGE 19

(8) HEALTH - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider Proposed Ordinance: An Ordinance Amending the Health Department Fee Ordinance by Adopting or Changing Fees set for Environmental Health Services performed by the Health Officer of Merced County (Amends Ordinance No. 1847 and Code Chapter 9.49)

REVIEW BOARD ORDER – SEE PAGE 19

(9) HEALTH - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider Proposed Ordinance: An Ordinance Amending the Health Department Fee Ordinance by Adopting or Changing Fees set for Health Services performed by the Health Officer of Merced County (Amends Ordinance No. 1847 and Code Chapter 9.49)

REVIEW BOARD ORDER – SEE PAGE 20

(10) AG. COMMISSION - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider Proposed Ordinance: An Ordinance Revising and Amending the Merced County Animal Control Fee Schedule (Amends Code Chapter 7.04 and Ordinance No. 1518)

REVIEW BOARD ORDER – SEE PAGE 20

(11) FIRE - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider Proposed Ordinance: An Ordinance Regarding the Fire Department's Fee Schedule and Charges Related Thereto (Amends County Code Chapter 9.24, and Ordinance Nos. 1763, 1581 and 1106)

REVIEW BOARD ORDER- SEE PAGES 20 AND 21

10:00 A. M.

(12) PLANNING - PUBLIC HEARING

To consider Resolution Amending the Planning and Community Development Department Processing Services Fee Schedule

REVIEW BOARD ORDER – SEE PAGE 21

(13) PUBLIC WORKS - PUBLIC HEARING

To consider Resolution Adjusting the Public Facilities Impact Fees for the unincorporated area located within the City of Merced Sphere of Influence

REVIEW BOARD ORDER – SEE PAGE 21

(14) PUBLIC WORKS - PUBLIC HEARING

To consider Resolution Adjusting the Santa Nella Community Specific Plan Development Impact Fees

REVIEW BOARD ORDER – SEE PAGE 22

(15) PUBLIC WORKS - PUBLIC HEARING

To consider Resolution Adjusting the Fire Facilities Impact Fee Schedule

REVIEW BOARD ORDER – SEE PAGE 23

(16) PUBLIC WORKS - PUBLIC HEARING

To consider Resolution Adjusting the Law Enforcement Facilities Impact Fee

REVIEW BOARD ORDER – SEE PAGE 23

(17) PUBLIC WORKS - PUBLIC HEARING

To consider Resolution Adjusting the Franklin-Beachwood Bridge and Major Thoroughfare Area of Benefit Fees to account for inflation

REVIEW BOARD ORDER – SEE PAGE 24

(18) PUBLIC WORKS - PUBLIC HEARING

To consider Resolution Adjusting the Hilmar Bridge and Major Thoroughfare Area of Benefit Fees to account for inflation

REVIEW BOARD ORDER – SEE PAGE 24

(19) PUBLIC WORKS - PUBLIC HEARING

To consider Resolution Adjusting the Atwater Rural Residential Center #1 Bridge and Major Thoroughfare Area of Benefit Fees to account for inflation

REVIEW BOARD ORDER – SEE PAGE 25

(20) PUBLIC WORKS - PUBLIC HEARING

To consider Resolution Adjusting the Winton Bridge and Major Thoroughfare Area of Benefit Fees to account for inflation

REVIEW BOARD ORDER – SEE PAGE 25

(21) PUBLIC WORKS - PUBLIC HEARING

To consider Resolution Adjusting the Delhi Bridge and Major Thoroughfare Area of Benefit Fees to account for inflation

REVIEW BOARD ORDER – SEE PAGE 26

10:00 A. M.

(22) PUBLIC WORKS - PUBLIC HEARING

To consider Resolution Adjusting the Santa Nella Bridge and Major Thoroughfare Area of Benefit Fees to account for inflation

REVIEW BOARD ORDER – SEE PAGE 26

(23) PUBLIC WORKS - PUBLIC HEARING

To consider Resolution Adjusting the Planada Bridge and Major Thoroughfare Area of Benefit Fees to account for inflation

REVIEW BOARD ORDER – SEE PAGE 27

REPORTS/BOARD DIRECTION

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

CONSENT CALENDAR (Items #1 - 51)

APPROVED AS RECOMMENDED WITH ITEM #39 PULLED AYES: ALL

Public Works

1. Approve and authorize Chairman to sign Amendment to Contract No. 2004165 with Alisto Engineering Group for professional Solid Waste Monitoring and Consulting Services.
2. Adopt Resolution of Intent and set public hearing for June 16, 2009 at 10:00 a.m. to consider changing the name of Bhupinder Sahota Avenue to Sahota Avenue and Bhupinder Sahota Court to Sahota Court in the Franklin-Beachwood area.

ADOPTED RESOLUTION NO. 2009-61

Mental Health

3. Approve and authorize Chairman to sign Renewal Contract No. 2004103 with Human Services Agency to transport incoming and outgoing interdepartmental mail between Courts, Los Banos and Administration.
4. Approve and authorize Chairman to sign Renewal Contract No. 2004230 with Probation for On-site Probation services for youth concurrently enrolled in Mental Health and Probation services.
5. Approve and authorize Chairman to sign Amendment to Contract No. 2008213 with Golden Living Center-Fresno Behavioral Care to reflect the updated daily rates per consumer for FY 2009-2011.
6. Approve and authorize Chairman to sign Renewal Contract No. 2008316 with Dr. Cynthia Hunt for provision of psychiatric services for youth clients.
7. Approve and authorize Chairman to sign Renewal Contract No. 2007199 with Guardco Security Services for security services at all Mental Health facilities.
8. Approve and authorize Chairman to sign Amendment to Contract No. 2004110 with State Department of Alcohol and Drug Programs for Negotiated Net Amount and Drug Medi-Cal Contract for local alcohol and drug services and adopt Resolution.

ADOPTED RESOLUTION NO. 2009-62

9. Approve and authorize Chairman to sign Amendment to Contract No. 2004007 with Staff Care Incorporated for licensed psychiatric services for FY 2008/09 to decrease the total contract amount from \$300,000 to \$100,000.
10. Approve and authorize Chairman to sign Renewal Contract No. 2003108 with Human Services Agency for Money Management Services.

Human Services Agency

11. Approve and authorize Chairman to sign Renewal Contract No. 2006171 with Lifeline Systems Company for Emergency Response Devices and Services for MSSP/Linkages clients.
12. Approve and authorize Chairman to sign Renewal Contract No. 2004141 with Dept. of Workforce Investment for Employment Services.
13. Approve and authorize Chairman to sign Renewal Contract No. 2007125 with Merced County Office of Education for Family Resource Council community development and support services.
14. Approve and authorize Chairman to sign Renewal Contract No. 2009102 with Merced College for Learning Disabilities Evaluations for Welfare to Work participants.
15. Approve and authorize Chairman to sign Renewal Contract No. 2004143 with Merced Union High School District for Adult Education and Training Services.
16. Approve and authorize Chairman to sign Renewal Contract No. 2004116 with Merced County Office of Education for Vocational Training Services through Regional Occupation Program (ROP).
17. Approve and authorize Chairman to sign Renewal Contract No. 2006173 with Merced Medical Supply for Non-Medical Home Equipment for MSSP/Linkages Program.
18. Approve and authorize Chairman to sign Renewal Contract No. 2005171 with Merced County Office of Education for child care services.

Health

19. Approve and authorize Chairman to sign Amendment to Contract No. 200239 with Catholic Healthcare West dba Mercy Medical Center Merced for Base Hospital activities.
20. Approve and authorize Chairman to sign Renewal Contract No. 2007234 changing the name of the contractor from 21st Century Environmental Management Inc. (EMI) of Nevada to 21st Century EMI of California, LP, a subsidiary of PSC, for the Household Hazardous Waste Disposal Services increasing the contract amount and renewing the term.
21. Approve and authorize Chairman to sign Renewal Contract No. 2006016 with California Integrated Waste Management Board for Waste Tire Enforcement Grant Contract for Cycle 16; authorize Director of Public Health or Designee to sign all payment requests and grant activity forms and adopt Resolution.

ADOPTED RESOLUTION NO. 2009-63

22. Approve and authorize Chairman to sign Amendment to Contract No. 2008038 with Calif. Electronic Asset Recovery (CEAR) for Electronic Waste Recycling Services.

Ag. Commission

23. Approve and authorize Chairman to sign Renewal Contract No. 2007129 with Calif. Dept. of Food and Agriculture for Eradication of Japanese Dodder and adopt Resolution.

ADOPTED RESOLUTION NO. 2009-64

24. Approve and authorize Chairman to sign Amendment to Contract No. 2008335 with Calif. Dept. of Pesticide Regulation for Electronic Pesticide Use Reporting Services and Support and adopt Resolution.

ADOPTED RESOLUTION NO. 2009-65

25. Approve and authorize Chairman to sign Renewal Contract No. 2004107 with Calif. Cantaloupe Advisory Board for Anti-Theft Inspection Services and adopt Resolution.

ADOPTED RESOLUTION NO. 2009-66

Planning

26. Set public hearing for June 9, 2009 at 6:00 p.m. to consider the Appeal filed by San Joaquin Raptor Rescue and Protect Our Water of Planning Commission approval of Minor Subdivision Application No. MS08-025 (submitted by James & Karen Barstow) for property located on the southeast corner of Pepper Street and Linwood Road in the Turlock area.
27. Set public hearing for June 9, 2009 at 6:00 p.m. to consider Appeal filed by San Joaquin Raptor Rescue and Protect Our Water of Planning Commission approval of Minor Subdivision Application No. MS08-021 (submitted by Lorraine McKnight) for property located on the north side of Highway 140 and 1/4 mile east of Orchard Road in the Gustine area.
28. Set public hearing for June 16, 2009 at 10:00 a.m. to consider the Appeal filed by San Joaquin Raptor Rescue Center and Protect Our Water of Planning Commission approval of Minor Subdivision Application No. MS07-048 (submitted by Lawrence Cattle Company) for property located on Deep Well Road, one mile south of Henry Miller Avenue in the Los Banos area.
29. Set public hearing for June 16, 2009 at 10:00 a.m. to consider the Appeal filed by San Joaquin Raptor Rescue Center/Protect Our Water of Planning Commission approval of Minor Subdivision Application No. MS07-052 (submitted by Thomas and Joyce Stillman) for property located on the north side of Childs Avenue, 750 feet east of Burchell Avenue in the Le Grand area.
30. Set public hearing for July 7, 2009 at 10:00 a.m. to consider the Appeal filed by San Joaquin, et al of Planning Commission approval of Minor Subdivision Application No. MS08-020 (submitted by Frank Azevedo) for property located on the east side of Whitworth Road, 2,600 feet south of Gun Club Road in the Gustine area.
31. Set public hearing for July 7, 2009 at 10:00 a.m. to consider the Appeal filed by San Joaquin Raptor Rescue Center/Protect Our Water of Planning Commission approval of Minor Subdivision Application No. MS08-023 (submitted by V.O.J.E., Inc.) for property located at the northeast corner of Arboleda Drive and Childs Avenue in the Merced area.
32. Approve and authorize Chairman to sign Amendment to Contract No. 2008005 with Guilherme Brasil for consulting services provided by Planning Partners for the preparation of an Environmental Impact Report for Conditional Use Permit No. CUP07-014, Brasil Dairy.

Commerce, Aviation and Economic Development

33. Approve and authorize Chairman to sign Amendment to Contract No. 2005124 with Tangent Computer, Inc. for FOCUS Program Procurement vehicle for computer hardware and software solutions provider and authorize Announcement Letter.

Sheriff

34. Approve and authorize Chairman to sign Addendum to Contract No. 2003217 with Securus Technologies for addition of Western Union kiosk for Inmate Telephone/Wire Services in the Sheriff's Office Main Lobby.
35. Approve and authorize Chairman to sign Renewal Contract No. 2006236 with Merced Cemetery District for maintenance of the cemetery portion designated for Indigent Burials.
36. Approve and authorize Chairman to sign Renewal Contract No. 2004327 with Stratford Evans Merced Funeral Chapel for Deceased Removal Services.
37. Approve and authorize Chairman to sign Renewal Contract No. 2008286 with Dos Palos Oro Loma Joint Unified School District for specialized canine search services.

Dept. of Workforce Investment

38. Approve and authorize Chairman to sign Amendment to Contract No. 2008239 with the Merced College Bookstore for Bookstore Purchases for Workforce Investment Act eligible participants.
39. Approve and authorize Chairman to sign Amendment to Contract No. 2008086 with Merced College for Westside PLATO Lab funding to provide two additional evenings of GED Instruction at the Los Banos Employment Resource Center.

PULLED FROM THE AGENDA - NO ACTION TAKEN

Board Recognition

40. Proclaim May, 2009 as "Older Americans Month" in Merced County.
41. Proclaim May 17 through 23, 2009 as "Emergency Medical Services Week" in Merced County.
42. Proclaim June, 2009 as "All Dads Matter" Month in Merced County.
43. Authorize presentation of Plaque in recognition of American Legion Post #83 90th Birthday Celebration.
44. Authorize Certificate of Recognition to Linda Minasian for 35 years of service to Merced County.
45. Authorize Certificates of Recognition to individuals for dedicated service as Merced County Courthouse Volunteers.

REVIEW BOARD ORDER – SEE PAGES 27 AND 28

46. Authorize Certificates of Recognition to the following selected by the Greater Merced Chamber of Commerce and Junior Leadership Merced in recognition of Graduation Class 5: Atwater High School-Mariah Kasper, Jami Ries and Meghan Woodall; Buhach Colony High School-Angela Garcia and Christopher Jordan; Golden Valley High School-Olivia Baker, Elizabeth Brown, Tyler Maxwell and Jose Nava, III; Livingston High School-Haidar Ali Anwar, Mandeep Bath, Raman Rai and Mayte Ruiz and Merced High School-Leo Alamillo, Jr., Ila Marie Janz, April Portillo, Josh Rivard and Ken Xiong.

- 47. Authorize Certificate of Recognition in celebration of the 42nd Anniversary of the Atwater Senior Social Club.
- 48. Authorize Plaque and Resolution in celebration of the 40th Anniversary of the Northern Merced Hulling Association.
- 49. Authorize Certificate of Recognition for Armstrong's Pet World Ribbon Cutting.
- 50. Authorize Certificates of Recognition Honoring Women in Agriculture selected for the 2009 Common Threads Award: Merced County-Barbara Burroughs; Tulare County-F. Ophelia Fisher Burtner; Fresno County-Vinci Ricchiuti; Fresno County-Sally Sharer and Kings County-Loretta Cardoza.

Executive Office

- 51. Approve Travel Requests submitted by Human Services Agency and Commerce, Aviation and Economic Development as recommended by Executive Office.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

- 52. Resolution adjusting the mileage of maintained roads in Merced County to be 1,761.419 miles.

ADOPTED RESOLUTION NO. 2009-67 AS RECOMMENDED AYES: ALL

- 53. Approve the Revised Project Budget of \$189,100 for Relocation of existing former Animal Control Modular Building to Ag. Center Site; authorize utilization of \$40,300 from the Trust Fund for completion of Project and approve the budget transfer and award the Contract to Santana Construction and Management upon approval of Counsel. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2009044 AS RECOMMENDED AYES: ALL

MENTAL HEALTH

- 54. Authorize Amendment to Contract No. 2005089 with Aegis Medical Systems, Inc. for Drug Medi-Cal Outpatient Narcotic Treatment Program and approve the necessary budget transfer-\$248,761. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2005089 AS RECOMMENDED AYES: ALL

- 55. Grant relief of shortages in the amount of \$60 in Petty Cash Fund, \$30 in Change Fund and \$60 in Alcohol and Other Drug Change Fund and authorize decrease in Petty Cash Fund from \$200 to \$140 and Change Fund from \$50 to \$20 and delete the Alcohol and Other Drug Change Fund.

APPROVED AS RECOMMENDED AYES: ALL

- 56. Authorize Grant Application with Substance Abuse & Mental Health Services Administration (SAMHSA) for the development of Comprehensive Drug/Alcohol and Mental Health Treatment Systems for Persons Who are Homeless, Grant to be returned to the Board for acceptance if awarded.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

57. Contract with Stuart Land Owners, LLC for Office Space at Highway 59 for Adult Services.
AUTHORIZED CONTRACT NO. 2009103 AS RECOMMENDED AYES: ALL
58. Contract with California Dept. of Social Services for Interim Assistance reimbursement for the purpose of ensuring the availability of assistance to meet basic needs of applicants for benefits under the SSI Program.
AUTHORIZED CONTRACT NO. 2009104 AS RECOMMENDED AYES: ALL
59. Contract with National Council on Crime and Delinquency for Safe Measures web-based information and data reporting.
AUTHORIZED CONTRACT NO. 2009105 AS RECOMMENDED AYES: ALL
60. Authorize destruction of Public Guardian/Conservator/Administrator original case records which have neither been filed with the court, nor required to be filed with the court and pursuant to Probate and/or Welfare and Institutions Code may be destroyed after a five year retention period upon approval by the Board of Supervisors, per Probate Code 7665 (b).
APPROVED AS RECOMMENDED AYES: ALL
61. Authorize Relief of Accountability for Fixed Assets No. 38161-Electronic Pallet Jack and #42516-IBM Portable Computer and allow the Auditor to remove from Area Agency on Aging Fixed Asset Inventory.
APPROVED AS RECOMMENDED AYES: ALL
62. Authorize Grant Application to the Food and Nutrition Service for the Supplemental Nutrition Assistance Program to be returned to the Board for approval if awarded.
APPROVED AS RECOMMENDED AYES: ALL
63. Authorize Retroactive Pay Adjustment for 41 Pay Periods due to error for one Administrative Supervisor (Employee #91802), position is 91.5% subvented with funds available in the 2008-09 Budget, in accordance with Human Resources Rules and Regulations.
APPROVED AS RECOMMENDED AYES: ALL

PLANNING

64. Amended Contract with Planning Partners for the reimbursement of costs related to completing the CEQA documents and extending the time period to complete the EIR for Conditional Use Permit No. CUP07-014, Brasil Dairy and approve the budget transfer-\$14,880. (4/5 Vote Required)
AUTHORIZED CONTRACT NO. 2008004 AS RECOMMENDED AYES: ALL
65. Contract with Robert Borchard Associates for preparation of an Environmental Impact Report to implement Zoning Designations for the Planada SUDP consistent with the 2003 Planada Community Plan and approve the necessary budget transfer. (4/5 Vote Required)
REVIEW BOARD ORDER – SEE PAGE 28
66. Contract with Louis Steiner for reimbursement of costs for consultant services provided by Michael Brandman Associates for preparation of an EIR for Bear Creek Ranch Subdivision (General Plan Amendment No. GPA08-009, Zone Change No. ZC06-010, Agricultural Preserve Amendment No. APA06-004 and Major Subdivision No. MAS08-001) submitted by Louis Steiner.
AUTHORIZED CONTRACT NO. 2009107 AS RECOMMENDED AYES: ALL

67. Amendment to Contract No. 2006071 with Michael Brandman Associates for Environmental Review and Permit Processing for RFQ #6034 and approve the necessary budget transfer-\$20,660. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2006071 AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

68. Contract with USDA Animal and Plant Health Inspection Service-Wildlife Service to conduct Wildlife Assessment at Castle Airport per FAA's requirement and approve the necessary budget transfer-\$45,000. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2009108 AS RECOMMENDED AYES: ALL

DEPT. OF ADMIN. SERVICES

69. Declare miscellaneous office furniture, office equipment and a passenger van as Surplus Property (Exhibit 1) and authorize its disposal by authorized Internet public auction.

APPROVED AS RECOMMENDED AYES: ALL

LIBRARY

70. Authorize the County Librarian to allow the Regional Libraries of Atwater, Los Banos, Gustine and Livingston to have 30 minutes each at the beginning of operation to prepare the library for opening and authorize the Atwater Library to change opening hours from 11:00 a.m. on Tuesday and Wednesday to 9:00 a.m.

APPROVED AS RECOMMENDED AYES: ALL

71. Authorize the establishment of a Petty Cash Fund in the amount of \$150 that would be maintained at the Main Library for all sixteen branch libraries.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

72. Contract with Merced Cemetery District for Indigent Burial Services.

AUTHORIZED CONTRACT NO. 2009109 AS RECOMMENDED AYES: ALL

73. Contract with City of Livingston Police Department to provide Law Enforcement Communication Assistance Services.

AUTHORIZED CONTRACT NO. 2009110 AS RECOMMENDED AYES: ALL

RETIREMENT

74. Approve the Amended By-Laws of the Merced County Employees Retirement Association Board relative to Article I, Section 7(b) 2, Election and Appointment of Board Members upon approval by the Board of Supervisors in accordance with Government Code Section 31525.

APPROVED AS RECOMMENDED AYES: ALL

75. Adopt recommended Retirement Contribution and Interest Rates effective for the July 10, 2009 Payroll: Employer Rate=23.19%; Member Contribution Rates-General Tier 1=9.04%, Tier 2=7.39%; and Safety- Tier 1=10.28% and Tier 2=7.27%.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

76. Authorize submission of Grant Application to Calif. Integrated Waste Management Board for Solid Waste Local Enforcement Agency for FY 2009/10 to be returned to the Board if grant is awarded.

ADOPTED RESOLUTION NO. 2009-68 AS RECOMMENDED AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

77. Accept Modification Four to Subgrant Contract increasing Workforce Investment Act (WIA) Adult, Dislocated Worker, Rapid Response, and Youth with American Recovery and Reinvestment Act (ARRA) funding by \$5,256,642 for President's Economic Stimulus Plan; Establish the aligned Extra Help classifications of EH Employment & Training Specialist II (Class #0758) at \$19.70/hr., EH Staff Services Analyst I (Class #0760) at \$20.68/hr. and EH Support Services Analyst II (Class 0759) at \$20.28/hr.; Authorize the allocation of EH Employment & Training Specialist II, EH Staff Services Analyst I, EH Staff Services Analyst II and EH Support Services Analyst II to BU 55000 based on additional funding to DWI for the ARRA projects through the Federal Workforce Investment System; Adopt the Resolutions to the Salary and Position Allocation Resolutions and the necessary Budget Transfers-\$152,000, \$92,511, \$160,022 and \$228,040. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2009089 AND ADOPTED RESOLUTION NOS. 2009-69 (Positions) AND 2009-70 (Salary) AS RECOMMENDED AYES: ALL

78. Authorize submission of Application to EDD to support the implementation of California Green Jobs Corps in Merced County and the San Joaquin Valley Region to be returned to the Board to accept grant funds if awarded.

APPROVED AS RECOMMENDED AYES: ALL

PROBATION

79. Contract with Coddling Enterprises to lease property located at 3191 M Street, Merced for Probation Office.

REVIEW BOARD ORDER – SEE PAGE 28

TREASURER/TAX COLLECTOR/COUNTY CLERK

80. Contract with Robert and Hallie Holl 1989 Living Trust for lease of Warehouse Space for County Clerk records storage.

AUTHORIZED CONTRACT NO. 2009111 AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

81. Personnel Action Amendments Recommendations: (1) Amend Resolution No. 2008-235 adopted on December 16, 2008 to remove the deletion of one Program Manager (Position 25) and three Employment and Training Specialists I/II (Positions 100, 122, 141), BU 55000; (2) Amend Resolution No. 2008-235 adopted on December 16, 2008 to remove the deletion of one Staff Services Analyst I/II (Position 503), BU 50000; (3) Approve Interdepartmental Agreement between Human Services Agency and Mental Health in the amount of \$116,602; (4) Amend Resolution No. 2008-235 adopted on December 16, 2008 to remove the deletion of three Social Worker Aide (Positions 220, 324), BU 50055, (Position 8), BU 50058 and Social Worker I/II, (Position 279), BU 50055; (5) Amend Resolution No. 2008-235 adopted on December 16, 2008 to add the deletion of one Deputy Director Human Services Agency (Position 3) BU 50054 and remove the deletion of one Supervising Social Worker (Position 287) and one Social Services Program Administrator (Position 634) BU 50055 effective May

31, 2009 and adopt Resolution.

AUTHORIZED CONTRACT NO. 2009235 AND ADOPTED RESOLUTION NO. 2009-71 AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

82. Consider action to support or oppose Gaming on non-tribal lands as proposed under current Madera Project by the North Folk Rancheria of Mono Indians and authorize or not authorize the Chairman to sign the opposition form.

REVIEW BOARD ORDER – SEE PAGES 28 AND 29

83. Authorize Special Board Project Funds-District Three in the amount of \$1,000 to be forwarded to the Castle Air Museum Foundation to assist with publishing a historical account of Castle.

APPROVED AS RECOMMENDED AYES: ALL

84. Authorize Special Board Project Funds-District One in the amount of \$2,000 to Le Grand High School Substance Abuse Committee to support their Sober Graduation Program.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

85. Contract with Peterson Consulting, Inc. for State Legislative Advocacy Services.

AUTHORIZED CONTRACT NO. 2009112 AS RECOMMENDED AYES: ALL

86. MCAG Service Agreement Options: (1) Approve Merced County contribution of \$38,516 for the One Voice Membership; (2) Approve Merced County General Membership contribution of \$28,018; (3) Approve Merced County Association of Governments FY 2009/10 Work Program with or without One Voice; and, (4) Approve Merced County's Association of Governments FY 2009/10 Budget reflecting the contributions from Merced County with or without One Voice.

REVIEW BOARD ORDER – SEE PAGE 29

BOARD APPOINTMENTS

87. Area Agency on Aging Advisory Council – Appointed Karen Fisher Henderson as District Two Representative until December 31, 2010.

APPROVED AS RECOMMENDED AYES: ALL

88. Library Advisory Commission – Appointed Leslie Palocsay as District Five Representative until August 31, 2013.

APPROVED AS RECOMMENDED AYES: ALL

89. Merced Cemetery District - Appointments.

PULLED FROM AGENDA – NO ACTION TAKEN

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

90. Merced Transportation Company re: Notification under provisions of the Worker Adjustment and Retraining Notification Act (WARN) that there will be a reduction in force to begin July 1, 2009 and be completed by July 14, 2009 due to termination of school transportation contracts.

91. State Wildlife Conservation Board re: North Grasslands Wildlife Area, Gadwall Unit, Merced County.
92. State Water Resources Control Board re: Notice of Petition for Temporary Change involving the transfer of up to 10,000 acre feet of water from the South Sutter Water District to the 2009 Drought Water Bank administered by the Dept. of Water Resources under License 11118 (Application 14804).
93. State Water Resources Control Board re: Notice of Opportunity to Comment - Proposed approval of an amendment to the Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) establishing a total maximum daily load and implementation plan for pathogens in Richardson Bay.
94. Downey Brand LLP re: Petition for Temporary Transfer of River Garden Farms Co. (License 1718; Application 575) to 2009 Drought Water Bank. (On file with Clerk)
95. State Water re: State Fiscal Year (FY) 2009-2010 Clean Water State Revolving Fund Project Priority List (PPL) - Adoption Schedule.
96. State Fish and Game Commission re: Notice of Proposed Regulatory Action relative to Section 632, Title 14, California Code of Regulations, relating to Marine protected areas.

ADOPTED RESOLUTIONS IN MEMORY OF GARY FARAONE, MELBA BETTENCOURT, WILLIAM "BILL" STEPHENS AND JAY ANDERSON AND ADJOURNED MEETING UNTIL TUESDAY, JUNE 9, 2009 AT 6:00 P.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – MAY 12, 2009

10:00 A.M. SCHEDULED ITEM
2009-05-12 PUBLIC OPPORTUNITY

Chief Probation Officer Brian Cooley states in today's newspaper there is a statement that one of his staff members was stabbed and it is not accurate.

Treasurer/Tax Collector/County Clerk Karen Adams reviews and submits a report dated May 11, 2009 in response to Findings and Recommendations from the Elections Solution Providers.

Tom Grave, Merced, states the Pick and Gather Festival at Riverdance Farms will be held on Saturday, May 30th and will highlight local food and local products.

Grant Wilson, Merced, states he is in a program in compliance with the law but continues to be violated and arrested and requests Board's assistance in clearing his name of these arrests.

Ed Gassaway, Atwater, requests the Board reconsider Ordinance No. 1830 concerning Medical Marijuana.

Flip Hassett, United Way Representative, states the Secretary for Volunteers of the Governor's Office will be at Merced City Council Chambers on May 14, 2009 from 10:00 a.m. to noon and advises anyone with questions can contact the local United Way Office.

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

10:00 A.M. SCHEDULED ITEM
2009-05-12 PUBLIC WORKS - PUBLIC HEARING – ORDINANCE NO. 1855

The time and date previously set for a public hearing to consider a Proposed Ordinance: An Ordinance Entitled Facility Use Policy, Facility Rental Rates, Vehicle Entrance Fees, Parking Fees and Special Event Fees for County Parks (Amends Ordinance No. 1792 and County Code Chapter 5.60) submitted by Public Works.

Assistant Public Works Director Richard Schwarz reviews the Staff Report.

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

The Chairman closes the public hearing.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading and adopts Ordinance No. 1855.

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

10:00 A.M. SCHEDULED ITEM

2009-05-12 PUBLIC WORKS - PUBLIC HEARING – ORDINANCE NO. 1856

The time and date previously set for a public hearing to consider a Proposed Ordinance: An Ordinance Regulating the Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Occupancy, Equipment, Use, Height, Area and Maintenance of all Buildings or Structures in the County of Merced; and Providing for the Issuance of Building Permits and Collection of Fees Therefore (Amends Ordinance No. 1843 and County Code Section 16.12.090) submitted by Public Works.

Assistant Public Works Director Richard Schwarz reviews the Staff Report.

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

The Chairman closes the public hearing.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading and adopts Ordinance No. 1856.

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

10:00 A.M. SCHEDULED ITEM

2009-05-12 PUBLIC WORKS - PUBLIC HEARING – ORDINANCE NO. 1857

The time and date previously set for a public hearing to consider a Proposed Ordinance: An Ordinance adjusting the Fees for Improvement Plan Review and Construction Inspection of Subdivision Projects and Miscellaneous Document Review and Processing (Amends Ordinance No. 1840 and County Code Sections 16.08.030.D.3 and D.4) submitted by Public Works.

Assistant Public Works Director Richard Schwarz reviews the Staff Report.

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

The Chairman closes the public hearing.

Upon motion of Supervisor O'Banion, seconded by Supervisor Walsh, duly carried, the Board waives further reading and adopts Ordinance No. 1857.

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

10:00 A.M. SCHEDULED ITEM

2009-05-12 PUBLIC WORKS - PUBLIC HEARING – ORDINANCE NO. 1858

The time and date previously set for a public hearing to consider a Proposed Ordinance: An Ordinance amending Fee Schedule to Increase Fees for Processing and Examining Parcel Maps, Subdivision Maps, and Recording of Survey Maps (Amends Ordinance No. 1842 and County Code Section 17.04.020) submitted by Public Works.

Assistant Public Works Director Richard Schwarz reviews the Staff Report.

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

The Chairman closes the public hearing.

Upon motion of Supervisor Walsh, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading and adopts Ordinance No. 1858.

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

10:00 A.M. SCHEDULED ITEM

2009-05-12 PUBLIC WORKS - PUBLIC HEARING – ORDINANCE NO. 1859

The time and date previously set for a public hearing to consider a Proposed Ordinance: An Ordinance amending the Regional Transportation Impact Fee (RTIF) (Amends Ordinance No. 1844 and County Code Chapter 5.68.100) submitted by Public Works.

Assistant Public Works Director Richard Schwarz reviews the Staff Report.

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

Stephen Madison, Executive Officer of Building Industry Association of Central California, addresses the current economic environment and how land, material and other costs are coming in below engineers' estimates and asks the Board to defer the fees so that the fees can be reviewed.

The Chairman closes the public hearing.

Mr. Schwarz states the MCAG has an ordinance requirement for all member jurisdictions to implement and adjust RTIF fees annually and MCAG will be notifying all member jurisdictions to adjust their fees.

Upon motion of Supervisor Walsh, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading and adopts Ordinance No. 1859.

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

10:00 A.M. SCHEDULED ITEM

2009-05-12 PUBLIC WORKS - PUBLIC HEARING – ORDINANCE NO. 1860

The time and date previously set for a public hearing to consider a Proposed Ordinance: An Ordinance adjusting the Fees for Encroachment Permit Fees (Amends Ordinance No. 1841 and County Code Section 13.30.030) submitted by Public Works.

Assistant Public Works Director Richard Schwarz reviews the Staff Report.

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

The Chairman closes the public hearing.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading and adopts Ordinance No. 1860.

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

10:00 A.M. SCHEDULED ITEM

2009-05-12 MENTAL HEALTH - PUBLIC HEARING – ORDINANCE NO. 1861

The time and date previously set for a public hearing to consider a Proposed Ordinance: An Ordinance changing Fees Charged for Mental Health Services (Supersedes Ordinance No. 1851 and Amends County Code Chapter 9.48) submitted by the Mental Health Department.

Mental Health Director Manuel Jimenez reviews the Staff Report.

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

The Chairman closes the public hearing.

Upon motion of Supervisor Walsh, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading and adopts Ordinance No. 1861.

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

10:00 A.M. SCHEDULED ITEM

2009-05-12 HEALTH - PUBLIC HEARING – ORDINANCE NO. 1862

The time and date previously set for a public hearing to consider a Proposed Ordinance: An Ordinance amending the Health Department Fee Ordinance by Adopting and Changing Fees set for Environmental Health Services performed by the Health Officer of Merced County (Amends Ordinance No. 1847 and County Code Chapter 9.49) submitted by the Health Department.

Public Health Director John Volanti reviews the Staff Report.

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

The Chairman closes the public hearing.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading and adopts Ordinance No. 1862.

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

10:00 A.M. SCHEDULED ITEM

2009-05-12 HEALTH - PUBLIC HEARING – ORDINANCE NO. 1863

The time and date previously set for a public hearing to consider a Proposed Ordinance: An Ordinance amending the Health Department Fee Ordinance by Adopting or Changing Fees set for Health Services performed by the Health Officer of Merced County (Amends Ordinance No. 1847 and County Code Chapter 9.49) submitted by the Health Department.

Public Health Director John Volanti reviews the Staff Report.

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

The Chairman closes the public hearing.

Upon motion of Supervisor O'Banion, seconded by Supervisor Walsh, duly carried, the Board waives further reading and adopts Ordinance No. 1863.

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

10:00 A.M. SCHEDULED ITEM

2009-05-12 AG COMMISSION - PUBLIC HEARING – ORDINANCE NO. 1864

The time and date previously set for a public hearing to consider a Proposed Ordinance: An Ordinance Revising and Amending the Merced County Animal Control Fee Schedule (Amends Ordinance Nos. 1518 and 1675 and County Code Chapter 7.04) submitted by the Ag. Commission.

Agricultural Commissioner Dave Robinson reviews the Staff Report.

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

The Chairman closes the public hearing.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading and adopts Ordinance No. 1864.

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

10:00 A.M. SCHEDULED ITEM

2009-05-12 FIRE - PUBLIC HEARING – ORDINANCE NO. 1865

The time and date previously set for a public hearing to consider a Proposed Ordinance: An Ordinance Regarding the Fire Department's Fee Schedule and Charges Related Thereto (Amends Ordinance Nos. 1763, 1581 and 1106 and County Code Chapter 9.24) submitted by the Fire Department.

Fire Division Chief Scott Newman reviews the Staff Report.

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

The Chairman closes the public hearing.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Walsh, duly carried, the Board waives further reading and adopts Ordinance No. 1865.

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

10:00 A.M. SCHEDULED ITEM
2009-05-12 PLANNING - PUBLIC HEARING

The time and date previously set for a public hearing to consider amending the Planning and Community Development Department Processing Services Fee Schedule as submitted by the Planning Department.

Development Services Director Robert Lewis reviews the Staff Report.

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

The Chairman closes the public hearing.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board adjusts the Planning and Community Development Department Processing Services Fee Schedule as recommended by Planning and adopts Resolution No. 2009-57.

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

10:00 A.M. SCHEDULED ITEM
2009-05-12 PUBLIC WORKS - PUBLIC HEARING

The time and date previously set for a public hearing to consider adjusting the Public Facilities Impact Fees for the unincorporated area located within the City of Merced Sphere of Influence by Resolution as submitted by Public Works.

Assistant Public Works Director Richard Schwarz reviews the Staff Report.

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

The Chairman closes the public hearing.

Upon motion of Supervisor Walsh, seconded by Supervisor Pedrozo, duly carried, the Board adjusts the Public Facilities Impact Fees for the unincorporated area located within the City of Merced Sphere of Influence as recommended by Public Works and adopts Resolution No. 2009-58.

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

10:00 A.M. SCHEDULED ITEM

2009-05-12 PUBLIC WORKS - PUBLIC HEARING

The time and date previously set for a public hearing to consider adjusting the Santa Nella Community Specific Plan Development Impact Fees as submitted by Public Works.

Assistant Public Works Director Richard Schwarz reviews the Staff Report.

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

Stephen Madison, Executive Officer of Building Industry Association of Central California, addresses the current economic environment and how land, material and other costs are coming in below engineers' estimates and asks the Board to defer the fees so that the fees can be reviewed.

The Chairman closes the public hearing.

Supervisor O'Banion comments on the letter received from the Building Industry Association and based on additional information from Public Works in regards to delaying action on fees, he asks if the public hearings can be opened and considered all at one time for the following Impact Fees: Santa Nella Community Specific Plan Development, Fire Facilities, Law Enforcement Facilities, Franklin-Beachwood Bridge and Major Thoroughfare Area of Benefit, Hilmar Bridge and Major Thoroughfare Area of Benefit, Atwater Rural Residential Center #1 Bridge and Major Thoroughfare Area of Benefit, Winton Bridge and Major Thoroughfare Area of Benefit, Delhi Bridge and Major Thoroughfare Area of Benefit, Santa Nella Bridge and Major Thoroughfare Area of Benefit, and Planada Bridge and Major Thoroughfare Area of Benefit.

County Counsel James Fincher responds that it is required a public hearing be held for each item noticed.

Supervisor O'Banion moves, seconded by Supervisor Pedrozo, the Board defer the increase of the Santa Nella Community Specific Plan Development Impact Fees for one year and direct staff to review the list of projects and costs of the facilities in this impact area and return next year with a re-evaluation of the projects and costs.

Supervisor Nelson comments stating the actual costs should be re-reviewed and an update project review should be included with the report back.

Supervisor Kelsey states she has received complaints of these fees from her constituents and there were years when fees were not raised and the loss of those fees cannot be made up to the communities now.

The Chairman calls for a vote on the Motion.

Supervisor Kelsey votes "no". Motion carries.

Ayes: Pedrozo, Walsh, Nelson, O'Banion

Noes: Kelsey

10:00 A.M. SCHEDULED ITEM

2009-05-12 PUBLIC WORKS - PUBLIC HEARING

The time and date previously set for a public hearing to consider adjusting the Fire Facilities Impact Fee Schedule as submitted by Public Works.

Assistant Public Works Director Richard Schwarz reviews the Staff Report.

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

The Chairman closes the public hearing.

Supervisor Pedrozo moves, seconded by Supervisor Nelson, the Board adjust the Fire Facilities Impact Fee Schedule as recommended by Public Works and adopt Resolution No. 2009-59.

Supervisor O'Banion states these fees are part of the fees that should be deferred for reconsideration and does not support this motion.

The Chairman calls for a vote on the Motion.

Supervisor O'Banion votes "no". Motion carries.

Ayes: Pedrozo, Walsh, Nelson, Kelsey

Noes: O'Banion

10:00 A.M. SCHEDULED ITEM

2009-05-12 PUBLIC WORKS - PUBLIC HEARING

The time and date previously set for a public hearing to consider adjusting the Law Enforcement Facilities Impact Fees as submitted by Public Works.

Assistant Public Works Director Richard Schwarz reviews the Staff Report.

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

The Chairman closes the public hearing.

Supervisor Pedrozo moves, seconded by Supervisor Nelson, the Board adjust the Law Enforcement Facilities Impact Fees as recommended by Public Works and adopt Resolution No. 2009-60.

The Chairman calls for a vote on the Motion.

Supervisor O'Banion votes "no". Motion carries.

Ayes: Pedrozo, Walsh, Nelson, Kelsey

Noes: O'Banion

10:00 A.M. SCHEDULED ITEM

2009-05-12 PUBLIC WORKS - PUBLIC HEARING

The time and date previously set for a public hearing to consider adjusting the Franklin-Beachwood Bridge and Major Thoroughfare Area of Benefit Fees to account for inflation as submitted by Public Works.

Assistant Public Works Director Richard Schwarz reviews the Staff Report.

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

The Chairman closes the public hearing.

Following discussion, Supervisor O'Banion moves, seconded by Supervisor Pedrozo, the Board defer the increase of the fees for one year and direct staff to review the list of projects and costs of the facilities in this impact area and return next year with a re-evaluation of the projects and costs.

Supervisor Kelsey states concern with raising the fees for some communities and not others and prefers the Board raise all the fees so that they are all equal.

Following discussion, the Chairman calls for a vote on the Motion.

Supervisor Kelsey votes "no". Motion carries.

Ayes: Pedrozo, Walsh, Nelson, O'Banion

Noes: Kelsey

10:00 A.M. SCHEDULED ITEM

2009-05-12 PUBLIC WORKS - PUBLIC HEARING

The time and date previously set for a public hearing to consider adjusting the Hilmar Bridge and Major Thoroughfare Area of Benefit Fees to account for inflation as submitted by Public Works.

Assistant Public Works Director Richard Schwarz reviews the Staff Report.

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

The Chairman closes the public hearing.

Supervisor O'Banion moves, seconded by Supervisor Pedrozo, the Board defer the increase of the fees for one year and direct staff to review the list of projects and costs of the facilities in this impact area and return next year with a re-evaluation of the projects and costs.

The Chairman calls for a vote on the Motion.

Supervisor Kelsey votes "no". Motion carries.

Ayes: Pedrozo, Walsh, Nelson, O'Banion

Noes: Kelsey

10:00 A.M. SCHEDULED ITEM
2009-05-12 PUBLIC WORKS - PUBLIC HEARING

The time and date previously set for a public hearing to consider adjusting the Atwater Rural Residential Center #1 Bridge and Major Thoroughfare Area of Benefit Fees to account for inflation as submitted by Public Works.

Assistant Public Works Director Richard Schwarz reviews the Staff Report.

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

The Chairman closes the public hearing.

Supervisor Nelson moves, seconded by Supervisor Pedrozo, the Board defer the increase of the fees for one year and direct staff to review the list of projects and costs of the facilities in this impact area and return next year with a re-evaluation of the projects and costs.

The Chairman calls for a vote on the Motion.

Supervisor Kelsey votes "no". Motion carries.

Ayes: Pedrozo, Walsh, Nelson, O'Banion

Noes: Kelsey

10:00 A.M. SCHEDULED ITEM
2009-05-12 PUBLIC WORKS - PUBLIC HEARING

The time and date previously set for a public hearing to consider adjusting the Winton Bridge and Major Thoroughfare Area of Benefit Fees to account for inflation as submitted by Public Works.

Assistant Public Works Director Richard Schwarz reviews the Staff Report.

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

The Chairman closes the public hearing.

Supervisor O'Banion moves, seconded by Supervisor Nelson, the Board defer the increase of the fees for one year and direct staff to review the list of projects and costs of the facilities in this impact area and return next year with a re-evaluation of the projects and costs.

The Chairman calls for a vote on the Motion.

Supervisor Kelsey votes "no". Motion carries.

Ayes: Pedrozo, Walsh, Nelson, O'Banion

Noes: Kelsey

10:00 A.M. SCHEDULED ITEM

2009-05-12 PUBLIC WORKS - PUBLIC HEARING

The time and date previously set for a public hearing to consider adjusting the Delhi Bridge and Major Thoroughfare Area of Benefit Fees to account for inflation as submitted by Public Works.

Assistant Public Works Director Richard Schwarz reviews the Staff Report.

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

The Chairman closes the public hearing.

Supervisor O'Banion moves, seconded by Supervisor Pedrozo, the Board defer the increase of the fees for one year and direct staff to review the list of projects and costs of the facilities in this impact area and return next year with a re-evaluation of the projects and costs.

The Chairman calls for a vote on the Motion.

Supervisor Kelsey votes "no". Motion carries.

Ayes: Pedrozo, Walsh, Nelson, O'Banion

Noes: Kelsey

10:00 A.M. SCHEDULED ITEM

2009-05-12 PUBLIC WORKS - PUBLIC HEARING

The time and date previously set for a public hearing to consider adjusting the Santa Nella Bridge and Major Thoroughfare Area of Benefit Fees to account for inflation as submitted by Public Works.

Assistant Public Works Director Richard Schwarz reviews the Staff Report.

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

The Chairman closes the public hearing.

Supervisor O'Banion moves, seconded by Supervisor Nelson, the Board defer the increase of the fees for one year and direct staff to review the list of projects and costs of the facilities in this impact area and return next year with a re-evaluation of the projects and costs.

The Chairman calls for a vote on the Motion.

Supervisor Kelsey votes "no". Motion carries.

Ayes: Pedrozo, Walsh, Nelson, O'Banion

Noes: Kelsey

10:00 A.M. SCHEDULED ITEM

2009-05-12 PUBLIC WORKS - PUBLIC HEARING

The time and date previously set for a public hearing to consider adjusting the Planada Bridge and Major Thoroughfare Area of Benefit Fees to account for inflation as submitted by Public Works.

Assistant Public Works Director Richard Schwarz reviews the Staff Report.

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

The Chairman closes the public hearing.

Supervisor Pedrozo moves, seconded by Supervisor Nelson, the Board defer the increase of the fees for one year and direct staff to review the list of projects and costs of the facilities in this impact area and return next year with a re-evaluation of the projects and costs.

The Chairman calls for a vote on the Motion.

Supervisor Kelsey votes "no". Motion carries.

Ayes: Pedrozo, Walsh, Nelson, O'Banion

Noes: Kelsey

CONSENT ITEM NO. 45

2009-05-12 BOARD OF SUPERVISORS

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board authorizes Certificates of Recognition for dedicated service to the following Merced County Courthouse Museum Volunteers:

30+ Docent Hours 2008

124 hours: Durell Ewing; 102 hours: Roberta Saling; 85 hours: Carol Luhring; 84 hours: Ann Carson; 68 hours: Charlotte Pavelko; 66 hours: Karen Chastain; 63 hours: Harriet Ledford; 62 hours: Herb Wood; 60 hours: Dorothy Knox; 57 hours: Timmie Bressler; 54 hours: Bernice Bryant; 47 hours: Lois Jimenez; 45 hours: Rose Cortez; 44 hours: Judi Arthur; 40 hours: Doris Hamill; 39 hours: Hahn Knutsen, Peggy Merritt and Anthony Ochoa; 38 hours: Karen Albright and Rick Albright; 36 hours: Gaylan Hyson; 33 hours: Jay Anderson, Avis Gaffery, Tom Gaffery, Hal Hambley, Joyce Hambley and Elizabeth Wallace; 32 hours: Veronica Carlisle; 30 hours: Ann Bean, Lyn George, Laverne Johnson and Julie Marchini; and 30+ hours: Andrea Morris

100+ Volunteer Service Hours 2008

291 hours: Roberta Saling; 181 hours: Ann Carson; 178 hours: Carol Luhring; 143 hours: Durell Ewing; and 102 hours: Hahn Knutsen

1000+ Volunteer Service Hours

1216 hours: Roberta Saling; and 1088 hours: Nat Woodhouse

25+ Years Continuing Service

Lyn George, Donna Hall, Lloyd Hall, Grey Roberts, Neil Morse, Bud Roduner, Maureen Bultena, Bill Kirby and Al Bardini

2008 Outstanding School Tour Docents

Durell Ewing and Karen Chastain

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

ACTION ITEM NO. 65

2009-05-12 PLANNING

The Clerk announces a Contract with Robert Borchard Associates from Planning is before the Board for consideration and states a corrected Budget Transfer in the amount of \$13,500 is also submitted.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2009106 with Robert Borchard Associates for consultant services for preparation of an Environmental Impact Report to implement Zoning Designations for the Planada SUDP consistent with the 2003 Planada Community Plan and approves the budget transfer-\$13,500.

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

ACTION ITEM NO. 79

2009-05-12 PROBATION

The Clerk announces a Contract with Coddling Enterprises from Probation is before the Board for consideration.

County Counsel James Fincher states minor changes were made to the contract after the posting of the agenda and those changes were distributed and made available this morning to the Board, Clerk and the public.

Chief Probation Officer Brian Cooley states there is one minor correction to the contract and the contract should read \$1.15 a square foot for the monthly amount.

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2009101 with Coddling Enterprise to lease property located at 3191 M Street, Merced for the Probation Office with the \$1.15 a square foot correction.

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

ACTION ITEM NO. 82

2009-05-12 BOARD OF SUPERVISORS

The Clerk announces the action to support or oppose Gaming on non-tribal lands is before the Board for consideration.

The Chairman states the matter is to consider support or opposition of the Gaming on non-tribal lands as proposed under current Madera Project by the North Folk Rancheria of Mono Indians and asks if there is anyone present wishing to speak.

Janice Keeting and Joe Alberta, representing a Coalition Against Off Reservation Gaming, request the Board oppose an off reservation casino application for a proposed project 40 miles off the North Fork Rancheria of Mono Indians tribal land.

Discussion is had on the local governments' positions and non-positions in supporting neighboring local governments.

Upon motion of Supervisor Walsh, seconded by Supervisor O'Banion, duly carried, the Board takes no position to support or oppose Gaming on non-tribal lands as proposed under current Madera Project by the North Folk Rancheria of Mono Indians.

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

ACTION ITEM NO. 86

2009-05-12 EXECUTIVE OFFICE

The Clerk announces the Merced County Association of Governments (MCAG) FY 2009/10 Work Program, General Membership contribution, One Voice Membership and Budget is before the Board for consideration.

County Executive Officer Dee Tatum states the Programs, Budget and Membership contributions are on the May 15, 2009 Technical Review Board (TRB) Agenda and he will report back to the Board after the meeting.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board places the matter on the June 9, 2009 Board Agenda for discussion.

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