

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, JUNE 09, 2009  
Closed Session – 4:30 p.m.  
Regular Meeting – 6:00 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.*

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

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

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

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

4:30 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(s) Mark Hendrickson, Director-Commerce, Aviation and Economic Development pursuant to Government Code Section 54956.8 as follows: Castle Properties

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

**SIGNIFICANT EXPOSURE TO LITIGATION:** It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Government Code Section 54956.9(b): Two Cases

**CLOSED SESSION:** It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Public Defender and Development Services Director

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

**THE BOARD RECESSED AT 4:30 P.M. AND RECONVENED AT 6:00 P.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED STAFF WAS GIVEN DIRECTION**

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

6:00 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)

**REVIEW BOARD ORDER – SEE PAGE 13**

**PRESENTATION**

Updates: Mercy Medical Center Merced by CHW for South side Services and Health Department Report on proposal of South side services

**REVIEW BOARD ORDER – SEE PAGE 13**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) Commerce, Aviation and Economic Development-\$33,892 and \$82,787; Dept. of Admin Serv.-\$22,785; District Attorney-\$4,302; Library-\$4,588 and Probation \$145,000

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items #1-33)

**APPROVED AS RECOMMENDED WITH ITEM #19 BEING PULLED FROM AGENDA AYES: ALL**

**PLANNING - PUBLIC HEARING**

**PROPERTY OWNER HAS WITHDRAWN THE APPLICATION**

To consider an Appeal of the Planning Commission approval of Minor Subdivision Application No. MS08-025. Applicant - James/Karen Barstow; Appellant - San Joaquin Raptor Rescue Center/Protect Our Water. Said Application is a proposal to divide 80.18 acres into two parcels: Parcel 1=39.31 acres and Parcel 2=40.87 acres on property located on the southeast corner of Pepper Street and Linwood Road in the Turlock area

**REVIEW BOARD ORDER – SEE PAGE 14**

**PLANNING - PUBLIC HEARING**

**PROPERTY OWNER HAS SUBMITTED REQUEST FOR CONTINUANCE**

To consider an Appeal of the Planning Commission approval of Minor Subdivision Application No. MS08-021. Applicant - Lorinne McKnight; Appellant - San Joaquin Raptor Rescue Center/Protect Our Water. Said Application is a proposal to divide 42 acres into two parcels: Parcel A=20 acres and Parcel B=22 acres on property located on the north side of State Highway 140 and approximately 1/4 mile east of Orchard Road in the Gustine area

**REVIEW BOARD ORDER – SEE PAGE 14**

6:00 P. M.

### **PLANNING - PUBLIC HEARING**

To consider submittal of the 2009 Neighborhood Stabilization Program (NSP) Grant Application with the County and the Cities of Livingston, Gustine and Dos Palos as the Co-Applicants for the NSP Grant Funding Allocations - Application is to seek funds to establish financing mechanisms for purpose of stabilizing communities that have suffered from foreclosures and abandonment and consider Guidelines and Reuse Plan

**RECOMMENDATION:** Authorize submittal of the NSP Combined Application to the California Dept. of Housing and Community Development for the 2009 NSP Allocation, approve the NSP Homebuyer Assistance Program Participation Guidelines and NSP Program Income Reuse Plan, direct Staff to return to accept any funding allocation and adopt Resolution

**REVIEW BOARD ORDER – SEE PAGE 15**

### **REPORTS/BOARD DIRECTION**

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

### CONSENT CALENDAR (Items #1 - 33)

**APPROVED AS RECOMMENDED WITH ITEM #19 BEING PULLED FROM AGENDA**

**AYES: ALL**

#### Public Works

1. Approve and authorize Chairman to sign Amendment to Contract No. 2003124 with U.S. Dept. of Agricultural Farm Service Agency for month to month tenancy office space while going through re-bid process.
2. Adopt Resolution designating the intersection of Cemetery Avenue and Third Street as a Stop-controlled intersection in the Stevinson area and authorize installation of stop signs on the northbound Cemetery Avenue and the eastbound Third Street approaches.

**ADOPTED RESOLUTION NO. 2009-73**

#### Mental Health

3. Authorize Mental Health to work with City of Merced Fire Department to hang a banner over and above the streets of the City on G Street between 19th and 20th Streets for one week starting June 21, 2009 as part of the Mental Health Services Act Prevention and Early Intervention Public Awareness and Education Campaign.
4. Approve and authorize Chairman to sign Renewal Contract No. 2006098 with Crisis Support Services of Alameda County for After Hours Counseling Services.
5. Approve and authorize Chairman to sign Renewal Contract No. 2008190 with Merced County Office of Education for Family Resource Council Services.
6. Approve and authorize Chairman to sign Renewal Contract No. 2007199 with Guardco Security Services for Security Services at the Inpatient Unit and other facilities.
7. Approve and authorize Chairman to sign Renewal Contract No. 2007161 with Dr. Jonathan Harry for provision of Psychiatric Services and on-call coverage.

8. Approve and authorize Chairman to sign Amendment to Contract No. 2008103 with ATC Healthcare for nursing services reducing the total contract amount from \$20,000 to \$7,500.

#### Human Services Agency

9. Approve and authorize Chairman to sign Renewal Contract No. 2007163 with Aspiranet for SB 163 Wraparound Services for up to 24 children/youth in high level out-of-home placements.

#### Health

10. Approve and authorize Chairman to sign Renewal Contract No. 2005216 with District Attorney for Investigation of Fraud/Abuse within the Indigent Health Care Programs with compensation not to exceed \$1,500.

#### Treasurer-Tax Collector

11. Grant the Treasurer Relief of Shortages in the amount of \$200 and authorize replenishment in the amount of \$200 for Counterfeit bills.
12. Accept the Treasury Investment Report for the Quarter Ending March 31, 2009 pursuant to Government Code Section 53646.

#### District Attorney

13. Approve and authorize Chairman to sign Renewal Contract No. 2005189 with Richard S. Michaels, Attorney for Consulting and Legal Services for investigation and prosecution of consumer protection cases.
14. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2006233 with California Dept. of Insurance for Workers' Compensation Insurance Fraud Program Grant Funds.

#### **ADOPTED RESOLUTION NO. 2009-74**

#### Dept. of Workforce Investment

15. Approve and authorize Chairman to sign Amendment to Contract No. 2008086 with Merced College for Westside PLATO Lab funding providing two additional evenings of GED Instruction.

#### Executive Office

16. Approve Travel Request submitted by Probation as recommended by Executive Office.
17. Approve and authorize Chairman to sign Renewal Contract No. 2006138 with KNN Public Finance, a division of Zion's First National Bank to perform General Financial Advisory Services if the need arises.
18. Approve Budget Transfers submitted by Animal Control \$-0-; Board of Supervisors-\$102,100 and \$20,000; Health-\$13,200 and Tax Collector-\$3,977.
19. Approve and authorize Chairman to sign Amendment to Contract No. 2003093 with Merced Defense Associates for Indigent Defense Services.

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

20. Approve and authorize Chairman to sign Amendment to Contract No. 2006137 with Bay Area Economics for Property Tax Sharing Analysis and Negotiation Services Support.

#### Sheriff

21. Authorize the Sheriff designated Authorized Representative to submit the 2009 Edward Byrne Memorial Justice Assistance Grant with U.S. Department of Justice for upgrading automation and safety specialty equipment in support of law enforcement through Internet based Grants.gov to be returned to the Board for acceptance if funded.

#### Board of Supervisors

22. Approve Minutes of January 6 and 27, and February 3 and 24, 2009 as submitted.

#### Board Recognition

23. Proclaim April 19 - 25, 2009 as "Week of the Young Child" in Merced County.
24. Authorize Certificate of Recognition to Mark Dudys for service to the Santa Nella Chamber of Commerce as a Director from 1981 through 2008 and President from 1998 through 2008.
25. Authorize Certificate of Recognition to Steve Sloan for service as a Member of the Planning Commission, representing District Five, from 1988 through 2008.
26. Authorize Certificates of Recognition to Memorial Hospital of Los Banos for recognizing National Volunteers Week and Gladys Affonso as Volunteer of the Year for 2009.
27. Authorize Certificate of Recognition to Stevinson Pentecost Association in support of the Annual Religious Parade.
28. Authorize Certificates of Recognition to individuals attaining 85 years of age and 50 years of residency in the County of Merced.

#### **REVIEW BOARD ORDER – SEE PAGES 15 AND 16**

29. Authorize Certificates of Recognition to the following selected by the VFW Post 9945: Merced County Sheriff's Dept.-Deputy Sheriff Brian Miller, Officer of the Year and Officer Gina Saldana, Correctional Officer of the Year; Atwater Police Dept.-Officer David Walker, Officer of the Year and Mike Raymond, Volunteer of the Year; Atwater Fire Dept.-Firefighter Robert Blais, Career Firefighter of the Year and Kevin Benson, Reserve Firefighter of the Year.
30. Authorize Resolution in Recognition of the Opening and Dedication of the Wendell Olson Forum in the Merced College Learning Resources Center.
31. Authorize Certificates of Recognition to the Students of Quarter: Andrea Felix-Mitchell Senior Elementary School; Brianna Perez-Peggy Heller Elementary School and Juan Rodriguez-Bellevue Elementary School and to Paul Lundberg (Atwater Baptist Church) for Volunteer of the Quarter; Norm Porges (Prime Shine Express Car Wash) for Entrepreneur of the Quarter and Mid-Valley Publications for Business of the Quarter as selected by the Atwater Chamber of Commerce.
32. Proclaim May 1, 2009 as "Silver Star Banner Day" in Merced County.
33. Proclaim May 5, 2009 as "World Asthma Day" and May 2009 as "Asthma Awareness Month" in Merced County.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

34. Approve Plans and Specifications for Closure of Abandoned County Wells Projects; authorize Public Works to advertise and conduct bid opening for Bids; authorize Public Works to award to lowest responsible bidder and authorize Contract if within the established budget and after review of Counsel and direct Public Works to return to the Board with report of actions taken.

**AUTHORIZED CONTRACT NO. 2009115 AS RECOMMENDED AYES: ALL**

35. Approve Plans and Specifications for the Construction of Groundwater and Landfill Gas Monitoring Wells at the Highway 59 and Billy Wright Landfills; authorize Public Works to advertise and conduct bid opening for Bids; authorize Public Works to award to lowest responsible bidder and authorize Contract if within the established budget and after review of Counsel; direct Public Works to return to the Board with report of actions taken and approve budget transfer-\$500,000. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2009116 AS RECOMMENDED AYES: ALL**

36. Authorize Real Estate Contract with Alice Bigalk for acquisition of Right-of-Way for the Campus Parkway Project and accept Grant Deed, Public Utility Easement Deed and Ditch Easement Deed needed for construction of the Campus Parkway Project and authorize payment to Trans County Title Company for the appraised value of property plus escrow and any other transaction fees and adopt Resolutions.

**AUTHORIZED CONTRACT NO. 2009113 AND ADOPTED RESOLUTION NOS. 2009-75 (GRANT DEED), 2009-76 (UTILITY EASEMENT) AND 2009-77 (DITCH EASEMENT) AS RECOMMENDED AYES: ALL**

37. Authorize Public Works to circulate a Request for Proposal (RFP) from qualified conservation banks for the purchase of Swainson's Hawk foraging habitat or Grassland Habitat Conservation Credits and authorize Public Works to review and rank proposals as well as negotiate a preliminary contract to be submitted to the Board for consideration.

**APPROVED AS RECOMMENDED AYES: ALL**

38. Approve the Purpose and Need Statement to be incorporated in the State Route 165 Project Study-6 Report.

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

39. Decline acceptance of the State Dept. of Corrections Standards Authority (CSA) Grant Application for the Iris Garrett JJCC Conceptual Design Architectural Program Grant in the amount of \$2.5 Million due to the CSA rules to require Merced County to increase their cash match to over \$16 million.

**APPROVED AS RECOMMENDED AYES: ALL**

40. Accept Grant in the amount of \$1,000,000 from Federal Aviation Administration for construction of the Castle Airport Runway Rehabilitation and Pavement Markings Project and authorize Chairman to sign Competitive Bid Airport Sponsor Certification.

**REVIEW BOARD ORDER – SEE PAGE 16**

## MENTAL HEALTH

41. Contract with Value Options, Inc. to maintain a provider network of Specialty Mental Health services.

**AUTHORIZED CONTRACT NO. 2009117 AS RECOMMENDED AYES: ALL**

42. Contract with Unity Care Group, Inc. for Residential Treatment Facility for Youth, ages seven to twenty and approve the necessary budget transfer-\$28,000.

**AUTHORIZED CONTRACT NO. 2009118 AS RECOMMENDED AYES: ALL**

43. Authorize submission of an Application for the Mental Health Services Act "Housing Program" to State Dept. of Mental Health and Calif. Housing and Finance Agency to help build a new low-income housing development in conjunction with Central Valley Coalition for Affordable Housing and to the return to the Board for funding acceptance and approval.

**REVIEW BOARD ORDER – SEE PAGE 16**

44. Approve Substance Abuse and Crime Prevention Act of 2000 FY 2009-2010 County Plan and accept Funding in the amount of \$647,783 and Substance Abuse Offender Treatment Program funding in the amount of \$124,374 that requires a match of \$13,819 from State Dept. of Mental Health and adopt Resolution.

**ADOPTED RESOLUTION NO. 2009-78 AS RECOMMENDED AYES: ALL**

## HUMAN SERVICES AGENCY

45. Contract with Airport Warehouse Rentals for Grogan Avenue storage space.

**AUTHORIZED CONTRACT NO. 2009119 AS RECOMMENDED AYES: ALL**

46. Contract with T. Kaljian Investments for lease of property at 848 6th Street in Los Banos to house the Dept. of Workforce Investment and CalWORKs staff.

**AUTHORIZED CONTRACT NO. 2009120 AS RECOMMENDED AYES: ALL**

## COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

47. Contract with AMS.NET, Inc. for FOCUS Program Procurement for Technology Expertise, Equipment, Services and Systems and authorize Contract Award Announcement Letter and adopt Resolution.

**AUTHORIZED CONTRACT NO. 2009121 AND ADOPTED RESOLUTION NO. 2009-79 AS RECOMMENDED AYES: ALL**

48. Authorization to apply for Federal Aviation Administration (FAA) Annual Entitlement Grant Funding for Castle Airport Capital Improvement Projects (AIP) (Administrative expenses, architectural engineering fees and project inspection fees for Castle Airport AIP #10 Project/Remove old Air Force Taxiway markings and refresh/paint taxiway markings) and authorize the Chairman to sign the necessary documents with CAED to return to the Board for acceptance if awarded.

**APPROVED AS RECOMMENDED AYES: ALL**

## DEPT. OF ADMIN. SERVICES

49. Authorize procurement process for the design, production and representation of Merced County State Fair Exhibit, select the most responsive bidder to perform such services and negotiate an agreement with this provider and return to the Board for final approval.

**REVIEW BOARD ORDER – SEE PAGE 17**



50. Authorize procurement process for Newspaper Print Advertising, select the most responsive provider to perform such services and negotiate agreement to be returned to the Board for final approval.

**REVIEW BOARD ORDER – SEE PAGE 17**

**SHERIFF**

51. Authorize Sole Source contract with Sirron Software Corporation for the procurement of Civil Processing Computer Software and associated annual maintenance and authorize issuance of Purchase Order for the purchase and installation.

**AUTHORIZED CONTRACT NO. 2009122 AS RECOMMENDED AYES: ALL**

**DEPT. OF WORKFORCE INVESTMENT**

52. Contract with Merced College to provide PLATO Basic Education Services (GED Preparation) at the Westside Employment Resource Center.

**AUTHORIZED CONTRACT NO. 2009123 AS RECOMMENDED AYES: ALL**

**BOARD OF SUPERVISORS**

53. Authorize Special Board Project Funds-District Four to be forwarded as follows: \$1,500 to Winton Recreation for Youth Baseball Program; \$1,000 to Hilmar Swim Club to support program and \$1,500 to Merced County Sheriff Activity League to support their summer youth activities program in Delhi.

**APPROVED AS RECOMMENDED AYES: ALL**

54. Authorize Special Board Project Funds to be forwarded to the Merced College Foundation to assist with the purchase of a piano for the Learning Resource Center as follows: District One-\$500; District Two-\$1,000 and District Three-\$500 for a total of \$2,000.

**APPROVED AS RECOMMENDED AYES: ALL**

55. Authorize Special Board Project Funds-District One in the amount of \$400 to Merced County Sheriff Explorers Post 322 in support of important contributions to benefit the Annual Planada Community Day Event.

**APPROVED AS RECOMMENDED AYES: ALL**

56. Authorize Special Board Project Funds-District One in the amount of \$1,000 to Livingston High School Sober Graduation Committee to support the Sober Graduation Program.

**APPROVED AS RECOMMENDED AYES: ALL**

57. Authorize Special Board Project Funds-District One in the amount of \$500 to Merced College Foundation for Youthfest Event for the Youth of Merced County.

**APPROVED AS RECOMMENDED AYES: ALL**

58. Authorize Special Board Project Funds-District Four in the amount of \$2,500 to be forwarded to the City of Gustine to support their summer youth programs.

**APPROVED AS RECOMMENDED AYES: ALL**

**EXECUTIVE OFFICE**

59. Resolution canceling the Master Revenue Sharing Agreement with the City of Livingston to take effect July 1, 2009.

**ADOPTED RESOLUTION NO. 2009-80 AS RECOMMENDED AYES: ALL**

60. 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 18**

61. Approve 2009 CSAC Challenge Awards Applications submitted by Human Services Agency (Merced Parenting Center) and Probation (Merced County Day Reporting Center).

**ADOPTED RESOLUTION NO. 2009-81 AS RECOMMENDED AYES: ALL**

#### **PROBATION**

62. Authorize Probation to make modifications to the Juvenile Justice Correctional Complex to add Access Trays to Facility doors and authorize the Budget Transfer of \$150,000 from the Juvenile Detention Facility Trust Fund. (4/5 Vote Required)

**APPROVED AS RECOMMENDED AYES: ALL**

#### **BOARD APPOINTMENTS**

63. Santa Cruz-Monterey-Merced Managed Medical Care Commission - Bylaws consideration and adoption.

**REVIEW BOARD ORDER – SEE PAGE 18**

63. Merced Cemetery District – Appointed Frank Muratore until August 16, 2013.

**APPROVED AS RECOMMENDED AYES: ALL**

65. LAFCO – Appointment.

**REVIEW BOARD ORDER – SEE PAGE 18**

66. Establish a Neighborhood Stabilization Program "NSP Standing Committee" to update the Board Chairman on a regular basis of activities to implement the Neighborhood Stabilization Program funds and determine the feasibility of seeking added funding, as well as establishing a revolving home fund if that is practicable; identify opportunities for additional programs and activities to reduce the impact from housing foreclosures on local communities; understanding, the Committee would be established as a Standing Committee and remain in place until the Board acts to abolish the Committee and membership will include County Staff involved in the Affordable Housing Program and in Economic Development and a representative recommended by each Supervisor to represent their district.

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

#### **BOARD INFORMATION & POSSIBLE ACTION**

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

67. Commerce, Aviation and Economic Development re: Notification of Facility Use Agreement issued to Moore's Karate for Moore's Karate Camp 2009 being held June 5 - 7, 2009 for Building 395 and additional grass areas located along Airflight Drive, Stratofortress Drive and Academy Drive.

**CONTRACT NO. 2009124**

68. Commerce, Aviation and Economic Development re: Notification of Lease Agreement issued to Tri County Flooring, Inc. for Building 1324 and adjacent parking.  
**CONTRACT NO. 2009125**
69. Health re: Notification of Funds not secured for Grant for the Farm and Ranch Solid Waste Clean Up and Abatement Program Grant and void Contract No. 2007264.  
**VOIDED CONTRACT NO. 2007264**
70. CSAC re: Report on Calif. State Association of Counties and County Welfare Directors Association (CWDA) Report titled Human Services Investments in a Time of Economic Crisis: An Examination of California's Current Safety-Net Programs and Related Risks and Benefits for Communities.
71. San Joaquin River Restoration Program re: May 2009, Program Update Newsletter
72. University of California Agriculture & Natural Resources re: University of California Cooperative Extension Merced County, 2008 Annual Report.
73. State Fish and Game Commission re: Notice of Proposed Regulatory Action relative to Section 670.5, Title 14, California Code of Regulations, relating to Animals of California Declared to be endangered or threatened.
74. State Water Resources Control Board re: Notice of Petitions for temporary change involving the transfer of up to a total of 39,018 acre-feet of water from twelve Sacramento Valley Water Right Holders to the 2009 Drought Water Bank.
75. Bartkiewicz, Kronick & Shanahan re: Service of Petitions for temporary transfers of water to the 2009 Drought Water Bank.
76. State Dept. of Corrections re: Approval of 2009-10 Juvenile Justice Crime Prevention Act (JJCPA) Application.
77. California Regional Water Quality Control Board re: Notice of Public Workshop and CEQA Scoping Meeting on July 7, 2009 from 10:00 a.m. to 12:00 p.m. for the development of an amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins to establish total maximum daily loads to address organochlorine pesticides in several central valley waterbodies.
78. State Water Resources Control Board re: Notice of Public Workshop on June 17, 2009, at 9:30 a.m. for Climate Change Reuse Urban Runoff Measure Implementation.
79. State Water Resources Control Board re: Notice of Opportunity to Comment on 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 for polychlorinated biphenyls (PCBs) in the San Francisco Bay.
80. State Water Resources Control Board re: Notice of proposed emergency regulations to provide an interim variance for underground storage tank systems storing certain biodiesel blends from third-party material compatibility testing and approval requirements.
81. State Water Resources Control Board re: Notice of Petitions for temporary change involving the transfer of up to 20,000 acre feet of water from the Placer County Water Agency to the San Diego County Water Authority under Permits 13856 and 13858 (Applications 18085 and 18087).

**ADOPTED RESOLUTIONS IN MEMORY OF SALVADOR GUZMAN, AUGUST NAVARRO  
AND PAUL RAGGIO AND ADJOURNED MEETING UNTIL TUESDAY, JUNE 16, 2009 AT  
10:00 A.M.**

## BOARD ORDERS – SUMMARY ACTION MINUTES – JUNE 9, 2009

### **6:00 P.M. SCHEDULED ITEM** **2009-06-09 PUBLIC OPPORTUNITY**

Public Health Director John Volanti introduces recently hired Environmental Health Director Joan Mulcare.

Zia (last name not provided), South Merced Resident, urges listening to the community members before reducing hospital services to the Southeast Asian community and creating a negative impact on south Merced.

Cesar Campos and Karime Blanco, UC Merced students, speak in support of a community garden next to the homeless shelter allowing homeless individuals to volunteer and help and at the same time raise money for the local homeless and provide the volunteer efforts to be included as volunteer hours on their resumes. The students also state they are seeking funds to pay for water and supplies. The Chairman refers them to the Public Works Director to discuss County owned property for a garden center.

Michelle Zinioni, Attorney for Central California Legal Services, speaks regarding changing medical services in Merced from the south side location and requests the Board hold a public hearing due to the impact on the south side residents residing in Merced.

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

### **6:00 P.M. SCHEDULED ITEM** **2009-06-09 PRESENTATION**

Mercy Medical Center Merced Director David Dunham introduces Mercy Hospital Board Chairman Janet Young and Community Advisory Committee Chairman/Board Member John Raggio and reviews the Mercy Medical Center Merced Update for May, 2009 powerpoint presentation highlighting: Physician Recruitment, Emergency Room Patient Volumes, Family Clinics Patient Volumes, New Construction and Services, Southside Services, Additional Ancillary/Support Services and Transportation Plan Services.

Director of Public Health John Volanti responds and submits a Report on the CHW Proposal for Southside Services and recommendations.

Mr. Volanti states no action is requested at this time and the matter will come back to the Board for approval at a later date.

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

**6:00 P.M. SCHEDULED ITEM**  
**2009-06-09 PLANNING – PUBLIC HEARING**

The time and date previously set for a public hearing to consider an Appeal of Planning Commission approval of Minor Subdivision Application No. MS08-025 filed by San Joaquin Raptor Rescue Center/Protect Our Water for Application submitted by James and Karen Barstow to divide 80.18 acres into two parcels: Parcel 1 = 39.31 acres and Parcel 2 = 40.87 acres on property located on the southeast corner of Pepper Street and Linwood Road in the Turlock area.

The Clerk announces a letter has been received by the property owner withdrawing the Application and subsequently a letter has been received from Marsha Burch on behalf of the appellants requesting a refund of fees that were paid by the Appellants.

Development Services Director Robert Lewis advises staff met with the applicants and an alternative solution has been reached.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board approves the request of the applicant to withdraw the application and reimbursement of the appellants' filing fee, excluding expenditures incurred in the processing of the appeal process, to be determined appropriate by Merced County.

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

**6:00 P.M. SCHEDULED ITEM**  
**2009-06-09 PLANNING – PUBLIC HEARING**

The time and date previously set for a public hearing to consider an Appeal of approval of Minor Subdivision Application No. MS08-021 submitted by San Joaquin Raptor Rescue Center/Protect Our Water for application submitted by Lorinne McKnight to divide 42 acres into two parcels: Parcel A = 20 acres and Parcel B = 22 acres on property located on the north side of State Highway 140 and approximately ¼ mile east of Orchard Road in the Gustine area.

Development Services Director Robert Lewis advises the applicant is requesting the Board continue the hearing to allow the applicant and staff time to review environmental issues on the property.

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

Gary Rogers, representing the applicant, requests the Board continue the matter.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Walsh, duly carried, the Board continues the public hearing to a date uncertain.

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

**6:00 P.M. SCHEDULED ITEM**  
**2009-06-09 PLANNING – PUBLIC HEARING**

The time and date previously set for a public hearing to consider submittal of the 2009 Neighborhood Stabilization Program (NSP) Grant Application with the County and the Cities of Livingston, Gustine and Dos Palos as the Co-Applicants for the NSP Grant Funding Allocations to seek funds to establish financing mechanisms for the purpose of stabilizing communities that have suffered from foreclosures and abandonment and consider NSP Homebuyer Program Participation Guidelines and NSP Program Income Reuse Plan.

Development Services Director Robert Lewis reviews the Staff Report and recommendations.

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

The Chairman closes the public hearing.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board authorizes submittal of the 2009 Neighborhood Stabilization Program (NSP) Combined Application to the California Department of Housing and Community Development for the 2009 NSP Allocation for up to \$3,844,680 respectively for activities within the unincorporated areas of Merced County and the city limits of the cities of Dos Palos, Gustine and Livingston as follows: Merced County-\$3,144,403 for First Time Homebuyers Assistance program with Rehabilitation funds in the unincorporated areas of Merced County for low to moderate income residents to purchase foreclosed or abandoned homes; City of Dos Palos-\$225,968 for demolition, acquisition, and resale of the targeted areas of the Northwest; City of Gustine-\$184,318 for setting up a loan program that would provide first time homebuyers loans or soft seconds to assist families to purchase abandoned or foreclosed homes and to form a rehabilitation program where the City of Gustine would refurbish and rehabilitate foreclosed and/or abandoned homes for resale in the target area; City of Livingston-\$289,991 for First Time Homebuyer Assistance program to purchase vacant and foreclosed homes within the City of Livingston; approve the NSP Homebuyer Assistance Program Participation Guidelines and NSP Program Income Reuse Plan, direct Staff to return to the Board for final approval and acceptance of funding allocation and adopts Resolution No. 2009-72.

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

**CONSENT ITEM NO. 28**  
**2009-06-09 BOARD OF SUPERVISORS**

Upon motion of Supervisor Pedrozo, seconded by Supervisor Nelson, duly carried, the Board authorizes Certificates of Recognition in honor of attaining 85 years of age and 50 years of residency in the County of Merced to the following: Jeanette Alberti, Mary Andonian, Albert Baleme, Addie Barcellos, Alice Bertao, Mary Bertao, Albert Biel, Claire Biel, Mary Bush, Manuel Cardoza, William T. Clendenin, Arthur S. Cozzi, Lillian DalPorto, Jim Di Napoli, Sam Diele, Helen Evans, Roberta Flanagan, Philip Fredrickson, Edwin Freitas, Betty Lou George, Gilda Giampaoli, Edna Marie Gilbert, Mark R. Gingrich, Margaret Gonella, Betty Hall, Helen Halstead, Grace Halstead, Clayton Hamill, Barbara Hicks, Alma Howard, Curtis C. Jantz, Edna E. Jantz, Ethel Jones, Lavonia King, Janet Larson, Anthony Mancebo, Domenico Marchini, Raymond Mink, Vera

Morris, Vernon Orr, Alfred Peguero, George Porter, Lucy Porter, Carolyn Price, Frank Roberts, Patricia Louise Rucker, Mary Salles, Frances Saunders, Thelma Silva, Clifford Spendlove, Evelyn Thompson, Marie “Tommy” Thompson, Angelo Trovato, Della Trovato and Anna T. Wardrobe.  
Ayes: Kelsey, Pedrozo, Walsh, Nelson, O’Banion

**ACTION ITEM NO. 40**  
**2009-06-09 PUBLIC WORKS**

The Clerk announces the Grant funds for Castle Airport Runway Rehabilitation and Pavement Markings from Public Works is before the Board for consideration.

Public Works Director Paul Fillebrown requests an amendment to the recommendation before the Board to add “authorize the Chairman to sign the construction contract for the Castle Airport Runway Rehabilitation and Pavement Markings Project upon review and approval of County Counsel and Public Works”.

Upon motion of Supervisor O’Banion, seconded by Supervisor Pedrozo, duly carried, the Board accepts Grant Funds in the amount of \$1,000,000.00 and approves and authorizes the Chairman to sign Contract No. 2009114 with Federal Aviation Administration for the Castle Airport Runway Rehabilitation and Pavement Markings Project Grant Funds, authorizes the Chairman to sign the Competitive Bid Airport Sponsor Certification and authorizes the Chairman to sign Contract No. 2009157 with Cruco Construction for the Construction of said Project.

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

**ACTION ITEM NO. 43**  
**2009-06-09 MENTAL HEALTH**

The Clerk announces the Mental Health Services Act “Housing Program” Application from Mental Health is before the Board for consideration.

Mental Health Director Manuel Jimenez submits Supplemental documents to be placed with the Application that will be submitted to the California Housing Finance Agency and the Calif. Dept. of Mental Health for capital funding and operating support.

Upon motion of Supervisor O’Banion, seconded by Supervisor Walsh, duly carried, the Board authorizes submission to the State Department of Mental Health and the California Housing and Finance Agency a Mental Health Services Act Housing Program Application to utilize \$1,242,500 of available Mental Health Services Act Housing funds to help build a new low-income housing development in conjunction with Central Valley Coalition for Affordable Housing and to return to the Board for funding acceptance and final approval.

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



**ACTION ITEM NO. 49**

**2009-06-09 DEPT. OF ADMINISTRATIVE SERVICES**

The Clerk announces the State Fair Exhibit procurement process from Dept. of Admin. Services is before the Board for consideration.

Following discussion, County Executive Officer Demitrios Tatum states he has been advised by the Merced County Chamber there is an agreement that was signed in December 2008 that indicates the County Chamber has legal authority to build the 2009 State Fair Exhibit. In addition, the time frame required would not allow this process to be for the current year; however, the Request for Proposal the County is currently considering will authorize for subsequent years and will enable anyone interested an opportunity to indicate their interest.

The Board discusses the current authorization for the 2009 State Fair Exhibit.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board authorizes the Contract with the Merced County Chamber of Commerce for the Merced County Exhibit at the 2009 California State Fair as signed in December, 2009 and authorizes Dept. of Admin. Services to initiate the procurement process for the design, production, and representation of Merced County State Fair Exhibit for the 2010 State Fair Exhibit and subsequent years, and select the most responsive provider and return to the Board for final approval.

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

**ACTION ITEM NO. 50**

**2009-06-09 DEPT. OF ADMINISTRATIVE SERVICES**

The Clerk announces the procurement process for Newspaper Print Advertising from the Dept. of Admin. Services is before the Board for consideration.

Dept. of Administrative Services Director Mark Cowart recommends the Board establish a competitive process for print advertising and release a Request for Proposal for response from any interested adjudicated newspaper in the County that can provide the needed service.

County Executive Officer Demitrios Tatum states the Request for Proposal process will include all County departments and staff will work with all departments that fall under this umbrella.

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

John Derby, Merced County Times, states he appreciates the opportunity to bid for the County's legal notices.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board authorizes the Department of Administrative Services to initiate the procurement process for Newspaper Print Advertising, select the most responsive bidder to perform such services, negotiate an agreement upon review by County Counsel and return to the Board for final contract approval.

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

**ACTION ITEM NO. 60**

**2009-06-09 EXECUTIVE OFFICE**

The Clerk announces the Merced County Association of Governments (MCAG) Service Agreement is before the Board for consideration.

County Executive Officer Demitrios Tatum states the One Voice issue has not been resolved and the Technical Review Board will be discussing the issue with MCAG staff next week to reach a final conclusion and suggests the Board may wish to go forward with approval of the contribution payment and the Work Plan.

Upon motion of Supervisor Nelson, seconded by Supervisor O'Banion, duly carried, the Board approves the Merced County General Membership contribution of \$28,018, the MCAG FY 2009/10 Work Program without One Voice and the FY 2009/10 Budget reflecting the contributions from Merced County without One Voice.

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

**ACTION ITEM NO. 63**

**2009-06-09 SANTA CRUZ-MONTEREY-MERCED MANAGED MEDICAL CARE COMMISSION**

Upon motion of Pedrozo, seconded by Supervisor Nelson, duly carried, the Board approves the Bylaws established by the Commission at the first meeting on April 22, 2009.

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

Supervisor O'Banion states the Bylaws indicate the Board Representative or Chairman will serve a 4-Year Term and the Board previously appointed its Chairman to serve an annual term and this matter needs to return for further Board consideration.

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

**ACTION ITEM NO. 65**

**2009-06-09 LOCAL AGENCY FORMATION COMMISSION (LAFCo)**

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board appoints Supervisor O'Banion to serve as the Board of Supervisors Member on LAFCo until May 7, 2013.

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