

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, JULY 07, 2009

Closed Session – 8:30 a.m.

Regular Meeting – 10:00 a.m.

MERCED COUNTY
ADMINISTRATION BUILDING
2222 “M” STREET
BOARD ROOM, THIRD FLOOR
MERCED, CALIFORNIA 95340
(209) 385-7366

JOHN PEDROZO.....DISTRICT 1
HUBERT “HUB” WALSH, JR.....DISTRICT 2
MICHAEL G. NELSON.....DISTRICT 3
CHAIRMAN DEIDRE F. KELSEY....DISTRICT 4
JERRY O’BANION.....DISTRICT 5
Lydia A. Beiswanger, Chief Clerk

DEMITRIOS O. TATUM
COUNTY EXECUTIVE OFFICER

JAMES N. FINCHER
COUNTY COUNSEL

*All supporting documentation is available for public review in the Office of the Clerk of the Board of Supervisors located in the County Administration Building, Third Floor, 2222 “M” Street, Merced, California, 95340
During regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday.*

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

The Agenda is available online at www.co.merced.ca.us

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

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INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE

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The Agenda is divided into three sections:

CONSENT CALENDAR – These matters include routine financial and administrative actions and are approved by a single majority vote.

SCHEDULED ITEMS – These items are noticed hearings, work sessions and public hearings.

REGULAR CALENDAR – These items include significant policy and administration actions. Immediately after approval of the CONSENT CALENDAR, if the time of the hearing of SCHEDULED ITEMS has not arrived, the REGULAR CALENDAR will be considered.

SCHEDULED ITEMS

8:30 A. M.

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

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION: It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Government Code Section 54956.9(b): One Case

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: It is the intention of the Board to meet in Closed Session concerning Existing Litigation pursuant to Government Code Section 54956.9(a): (1) Gonzalez v. County of Merced, et al. U.S. Eastern District Court Case Number 1:07-cv-1146; and, (2) Angle v. County of Merced, Merced County Superior Court Case No. CU150139

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): Six cases

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

THE BOARD RECESSED AT 8:30 A.M. WITH ALL MEMERS PRESENT AND RECONVENED AT 10:00 A.M. WITH COUNSEL PROVIDING AN UPDATED REPORT AND STATEMENT

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

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 11

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

APPROVED AS RECOMMENDED AYES: ALL

PUBLIC WORKS - PUBLIC HEARING

To consider Proposed Ordinance entitled County Service Area Number One User Charge Rates for Zones of Benefit in the 2009/2010 Fiscal Year (Amends Ordinance No. 1848 and Merced County Code Section 5.64)

RECOMMENDATION: Introduce and waive further reading of proposed ordinance; open public hearing and consider testimony and adopt Ordinance

REVIEW BOARD ORDER – SEE PAGE 11

PLANNING - PUBLIC HEARING

To consider an Application for 2009/2010 Community Development Block Grant (CDBG) Funds for First Time Homebuyer Assistance/Housing Rehabilitation Assistance and Public Service-Code Enforcement Activities in the unincorporated areas of Merced County

RECOMMENDATION: Open public hearing and consider testimony; and adopt Resolution authorizing submittal of Application to come back to the Board for final approval if funded

REVIEW BOARD ORDER – SEE PAGE 12

PLANNING - PUBLIC HEARING REQUEST FOR CONTINUANCE HAS BEEN RECEIVED

To consider Appeal of the Planning Commission Approval of Minor Subdivision Application No. MS08-023 filed by San Joaquin Raptor Rescue Center/Protect Our Water; Application filed by V.O.J.E., Inc.

RECOMMENDATION: Approve the request for a continuance appealing the approval of Minor Subdivision Application No. MS08-023

REVIEW BOARD ORDER – SEE PAGE 12 AND 13

PLANNING - PUBLIC HEARING REQUEST FOR CONTINUANCE HAS BEEN RECEIVED

To consider Appeal of the Planning Commission Approval of Minor Subdivision Application No. MS08-020 filed by San Joaquin Raptor Rescue Center/Protect Our Water; Application filed by Frank Azevedo.

RECOMMENDATION: Approve the request for a continuance appealing the approval of Minor Subdivision Application No. MS08-020

REVIEW BOARD ORDER – SEE PAGE 13

REPORTS/BOARD DIRECTION

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

CONSENT CALENDAR (Items #1-18)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve and authorize Chairman to sign Renewal Contract No. 2009160 with Office of State Controller for preparation of Annual Street and Road Report of FY 2008/09.

Human Services Agency

2. Approve and authorize Chairman to sign Renewal Contract No. 2006132 with University of California, Davis for staff training and development.
3. Approve and authorize Chairman to sign Renewal Contract No. 2008164 with Merced County In-Home Supportive Services Public Authority for In-Home Supportive Services administration.
4. Approve and authorize Chairman to sign Amendment to Contract No. 2005256 with District Attorney for investigation of CalWORKs and Food Stamp Fraud.

Health

5. Approve and authorize Chairman to sign Renewal Contract No. 2008203 with California State University, Fresno Foundation for Regional Obesity Prevention Services.

Ag. Commission

6. Approve and authorize Chairman to sign Renewal Contract No. 2004260 with Calif. Dept. of Food and Agriculture for Egg Quality Control Inspections.

ADOPTED RESOLUTION NO. 2009-111

7. Approve and authorize Chairman to sign Renewal Contract No. 2001105 with Calif. Dept. of Food and Agriculture for Fruit and Vegetable Inspection Services.

ADOPTED RESOLUTION NO. 2009-112

8. Approve and authorize Chairman to sign Renewal Contract No. 2004162 with Structural Pest Control Board for Administration of the Applicator Exams.

Commerce, Aviation and Economic Development

9. Grant Commerce, Aviation and Economic Development relief of shortage in the amount of \$100 in the Change Fund for BU 75200 and delete the Change Fund.

Planning

10. Set public hearing for July 21, 2009 at 10:00 a.m. to consider Annual Grantee Performance Report, Final Grantee Performance Report, Program Income Reuse Activities and future Funding Activities under the 2010 CDBG Funding Cycle and approve proposed changes to the Housing Rehabilitation Program Participation Guidelines.

Executive Office

11. Act on Claims for Damages received from Karen Tyler (2009-047), Victor Perez (2009-043), Hector Rojas (2009-046) and Deborah Mason (2009-044) as recommended by Risk Management.

Board of Supervisors

12. Set public hearing for proposed reductions in health services beginning August 1, 2009 (Bielsen Hearing) for July 21, 2009 at 10:00 a.m.

Board Recognition

13. Authorize Certificates of Recognition to the Soroptimist International of Los Banos Awards: Hannah Glenn-Violet Richardson Award; Susie Toscano-Women of Distinction Award; Charles and Jennifer Guest and Family-Friends of Soroptimist Award; Marianna Marshall-Soroptimist of the Year Award; Melisa Sanders-June Erreca Award; Ramona E. Aguilar-Women's Opportunity Award and Stephanie Austin-Making a Difference for Women Award.
14. Authorize Certificates of Recognition to individuals selected to participate in InnerSpark Summer Art Program: Le Grand High School-Desiree Apodaca, Virginia Sagaste, and Jonathon Garcia and Merced High School-Lauren Pettiti, Regina Moreno, Robert Jiminez, and Vincent Gonzales.
15. Authorize Certificates of Recognition to League of Women Voters of Merced County 2009 Making Democracy Work Award: Golden Valley Health Centers, Dr. Lee Anderson, Edward Mentz, Sr., and Cathy Weber.
16. Authorize Certificate of Recognition to Arco AM/PM for Ribbon Cutting.
17. Authorize Certificate of Recognition to Bellevue Elementary School's YouthAct Worm Farm for Ribbon Cutting.
18. Authorize Certificates of Recognition for Ribbon Cutting/Open House to A Cut Above Hair and Nails and Girl Cats Closet.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

19. Resolution accepting a Grant Deed from Arnaudo Brothers, Inc. for an Easement for Storm Drainage and Alternate Access Road associated with Santa Nella Village 4A, Major Subdivision 04007.

ADOPTED RESOLUTION NO. 2009-113 AS RECOMMENDED AYES: ALL

20. Resolution accepting Grant Deed for additional road Right-of-Way and a Public Utility Easement on Gertrude Avenue in Winton from the Winton Water and Sanitary District.

ADOPTED RESOLUTION NO. 2009-114 AS RECOMMENDED AYES: ALL

21. Resolution conveying Easement Deeds to PG&E for a 26 foot by 16 foot wide easement on 13th Street and a 48.40 foot long by 15 foot wide easement on 15th Street for public utilities in relation to the Rule 20A Project at Mercy Medical Center Community Campus Site.

ADOPTED RESOLUTION NO. 2009-115 (13th & B Streets) AND 2009-116 (15th & B Streets) AS RECOMMENDED AYES: ALL

22. Resolution authorizing the Public Works Director or his designee to sign Regional Surface Transportation Program (RTSP) Exchange Fund Apportionments Claim for Fiscal Year 2008/09 in the amount of \$557,079 and authorize submission to MCAG.

ADOPTED RESOLUTION NO. 2009-117 AS RECOMMENDED AYES: ALL

23. Approve plans and specifications for Del Hale Community Recreation Building Accessible Restroom Addition and authorize Public Works to advertise bids, set public bid opening, award contract to lowest responsible bidder as long as within the project budget and authorize contract after review of Counsel with Public Works to return to the Board with information on action taken.

AUTHORIZED CONTRACT NO. 2009161 AS RECOMMENDED AYES: ALL

24. Approve plans and specifications for Scrub Seal at various locations in Merced County and direct Public Works to return to the Board with information on all actions taken.

AUTHORIZED CONTRACT NO. 2009162 AS RECOMMENDED AYES: ALL

25. Approve plans and specifications for Main Jail Public Entrance Door Retrofit Project; authorize Public Works to advertise bids and conduct public bid opening; award contract to lowest responsible bidder as long as within project budget; authorize Chairman to sign contract subject to review of Counsel and direct Public Works to return to the Board with information on action taken.

AUTHORIZED CONTRACT NO. 2009163 AS RECOMMENDED AYES: ALL

26. Approve Rate Adjustments for Solid Waste Collection Services in Franchise Service Area No. 6 and No. 7 as provided by Gilton Solid Waste Management Inc. effective July 1, 2009.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

27. Contract with University of California, Davis for Child Welfare Services Staff Training and Development.

AUTHORIZED CONTRACT NO. 2009164 AS RECOMMENDED AYES: ALL

28. Contract with Health Department for Spanish Parenting and Bonding Classes.

AUTHORIZED CONTRACT NO. 2009165 AS RECOMMENDED AYES: ALL

29. Contract with Community Action Board for a Congregate Nutrition Program.

AUTHORIZED CONTRACT NO. 2009166 AS RECOMMENDED AYES: ALL

30. Contract with Community Action Board for a Home Delivered Nutrition Program.

AUTHORIZED CONTRACT NO. 2009167 AS RECOMMENDED AYES: ALL

MENTAL HEALTH

31. Contract with Health Department for Alcohol and Drug HIV Services.

AUTHORIZED CONTRACT NO. 2009168 AS RECOMMENDED AYES: ALL

HEALTH

32. Accept donation of a Surplus Lifepak 12 Monitor/Defibrillator from Riggs Ambulance Service.

APPROVED AS RECOMMENDED AYES: ALL

33. Resolution authorizing Contract Amendment with State Dept. of Water Resources Control Board for the Merced County Animal Confinement Drainage Improvements Project amending the service charge language in the contract to include the State Revolving Fund

Program Administration Costs.

AUTHORIZED CONTRACT NO. 2009176 AND ADOPTED RESOLUTION NO. 2009-118 AS RECOMMENDED AYES: ALL

AG. COMMISSION

34. Ratify the Letter of Request sent to the California Emergency Management Agency on June 5, 2009 requesting Merced County Disaster Declaration due to rangeland crop loss from lack of rainfall.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

35. Contract with Behavioral Interventions Inc. for Electronic Monitoring Services and Equipment for Electronic Inmate Monitoring.

AUTHORIZED CONTRACT NO. 2009169 AS RECOMMENDED AYES: ALL

36. Authorize acceptance of donation of up to \$4,284 worth of essential safety equipment from the Laci and Conner Search and Rescue Fund for the Explorer Unit for use in Search and Rescue operations.

APPROVED AS RECOMMENDED AYES: ALL

37. Contract with Winton School District for School Resource Officer.

AUTHORIZED CONTRACT NO. 2009170 AS RECOMMENDED AYES: ALL

38. Contract with Delhi School District for School Resource Officer.

AUTHORIZED CONTRACT NO. 2009171 AS RECOMMENDED AYES: ALL

39. PULLED

DEPT. OF WORKFORCE INVESTMENT

40. Contract with Merced College for Green Industry Career Exploration Course.

AUTHORIZED CONTRACT NO. 2009158 AS RECOMMENDED AYES: ALL

41. Authorize Sole Source Contract with Merced Adult School to provide Computer Literacy Labs Instruction Services to serve the Workforce Investment Act (WIA) eligible participants in the areas of Basic Business Skills, Record Keeping, Accounting, QuickBooks, Computer Use in Medical Offices and Microsoft Office Applications.

AUTHORIZED CONTRACT NO. 2009172 AS RECOMMENDED AYES: ALL

DEPT. OF ADMIN. SERVICES

42. Authorize Admin Services, in conjunction with Sheriff and Human Resources, to initiate the procurement process for a Time Management System, select the most responsive provider to perform such services and negotiate an agreement with this provider to be returned to the Board for final approval.

REVIEW BOARD ORDER – SEE PAGE 13 AND 14

PLANNING

43. Contract Addendum with Minitier Harnish for consultant services for the General Plan Update and EIR (3rd Addendum) outlining the Additional Scope of Work, Revised Project Schedule and related cost increase.

REVIEW BOARD ORDER – SEE PAGE 14

44. Grant a Full Refund of Appeal Fees for six Appeals known as: Minor Subdivision Application No. MS06-025, James and Karen Barstow; MS08-021, Lorinne McKnight; MS07-052, Thomas and Joyce Stillman; MS08-048, Lawrence Cattle Company; MS08-020, Frank Azevedo and MS08-023, VOJE as no actual appeal hearing occurred for any of the six Minor Subdivision Applications understanding that the Appeals are no longer valid Appeals.

PULLED FROM THE AGENDA – NO ACTION TAKEN

HUMAN RESOURCES

45. Accept Professional Health Services as the successful bidder to RFP No. 6436 for Occupational Health Examination Services and authorize Contract.

AUTHORIZED CONTRACT NO. 2009173 AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

46. Authorize Special Board Project Funds-District Three in the amount of \$1,360 to be paid to Phase 1 Construction to remove and replace concrete landing at the Atwater Library and authorize issuance of Purchase Order.

APPROVED AS RECOMMENDED AYES: ALL

47. Authorize Special Board Project Funds-District Three in the amount of \$3,444 to be utilized for landscape and lawn maintenance at the Atwater Library and direct issuance of Purchase Order to Kings View Work Experience Center to provide said services.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

48. Contract with City of Merced for Parking Enforcement of county owned parking lots for a period of two years with the City of Merced retaining all revenues generated from the parking citations.

REVIEW BOARD ORDER – SEE PAGE 14

49. Authorize the County Executive Officer to review payment requests and contracts to determine when and how General Fund dollars should be used to cover the missed state payments, which will be issued as IOU's by the State Controller.

REVIEW BOARD ORDER – SEE PAGE 15

BOARD APPOINTMENTS

50. Le Grand Municipal Advisory Council – Appointed Virginia Bright to serve until December 7, 2010.

APPROVED AS RECOMMENDED AYES: ALL

51. Advisory Board on Alcohol and Other Drug Problems – Appointed Claude Scheiner, Jr. representing District 2 until June 30, 2011.

APPROVED AS RECOMMENDED AYES: ALL

52. Planada Municipal Advisory Council – Appointed Alicia Rodriguez until March 31, 2011.

APPROVED AS RECOMMENDED AYES: ALL

53. Lower San Joaquin Levee District – Reappointed Paul Hunger, Jr. to serve as the Merced County Representative until June 4, 2013.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

APPROVED AS RECOMMENDED AYES: ALL

54. Public Works re: Notification of Contract Award for South Dos Palos Park Restroom Remodel to Daniel R. Hoffman General Construction.
AWARDED CONTRACT NO. 2008300
55. Public Works re: Notification of Contract Award for Bloss Avenue Reconstruction (between Griffith and TID Lateral No. 7) to Hensley Paving & General Engineering.
AWARDED CONTRACT NO. 2008212
56. Public Works re: Notification of Contract Award for Asphaltic Emulsion Cape Seal for Santa Nella Trailer Park to Talley Oil, Inc.
AWARDED CONTRACT NO. 2009175
57. Public Works re: Notification of Contract Award for Fenced Staging Area at the John Latorraca Adult Correctional Center to Golden Bay Fence.
AWARDED CONTRACT NO. 2009050
58. Freedom Advocates re: "Sustainable Development: Global to Local Action Plans" information for county representatives. (On file with Clerk)
59. San Joaquin Valley Air Pollution Control District re: Adopted Budget for 2009-2010.
60. State Fish and Game Commission re: Continuation Notice of Proposed Regulatory Action relative to Section 632, Title 14, California Code of Regulations, relating to marine protected areas.
61. U.S. Dept. of Interior re: Notification of issuance of payment to Merced County under the Payments in Lieu of Taxes (PILT) Program for FY 2009.
REVIEW BOARD ORDER – SEE PAGE 15
62. U.S. Dept. of Housing and Urban Development re: Notification of HUD's Departmental Enforcement Center Action to suspend Housing Authority of the County of Merced Commissioner Patrick Bowman from participation in HUD programs.
63. State Water Resources Control Board re: Notification of Application No. 575 - Order approving Petition for temporary change to authorize the transfer of up to 3,500 acre-feet of water to the 2009 drought water bank.
64. State Fish and Game Commission re: Notice of Findings pursuant to Section 2075.5, Fish and Game Code, that the Longfin Smelt warrants listing to threatened species status to be published in the California Regulatory Notice Register.
65. State Fish and Game Commission re: Notice of Findings pursuant to Section 2075.5, Fish and Game Code, that American peregrine falcon warrants delisting from the list of endangered species status to be published in the California Regulatory Notice Register.
66. State Fish and Game Commission re: Notice of proposed Regulatory Action relative to Sections 311.1 and 507.2, Title 14, California Code of Regulations, relating to methods authorized for taking resident small game and migratory upland game birds within the range of the California condor, to be published in the California Regulatory Notice Register.
67. State Fish and Game Commission re: Notice of proposed Regulatory Action relative to Sections 235.3, 236, 238, and 240, Title 14, California Code of Regulations, relating to Marketing and Inspections of Live Fish Transportation Vehicles and Inspections of Aquaculture Facilities to be published in the California Regulatory Notice Register.

68. State Water Resources Control Board re: Notice of Rescheduling of Public Hearing on Proposed Revocation of Permits 19164 and 19165 - Emerson Investment Inc. for Shasta River Tributary to Klamath River in Siskiyou County on July 20, 2009.
69. State Water Resources Control Board re: Notice of Cancellation of Public Hearing to determine whether to adopt a Cease and Desist Order against Minnie A. Corda, LLP & Testamentary Trust of Ernest H. Corda originally set for July 20, 2009.
70. Bartkiewicz, Kronick & Shanahan, A Professional Corp. re: Service of Petitions for temporary transfers of water to the 2009 Drought Water Bank.
71. U.S. Dept. of the Interior re: Notification of Petitions for Temporary Change - Permits 11885, 11886 and 11887 (Applications 234, 1465 and 5638), Friant Division, Central Valley Project, California.

**ADOPTED RESOLUTIONS IN MEMORY OF KENNETH RIGGS, ROBERT THOMPSON
AND PETE VANDERPOEL, JR. UNTIL TUESDAY, JULY 21, 2009 AT 10:00 A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – JULY 7, 2009

10:00 A.M. SCHEDULED ITEM **2009-07-07 PUBLIC OPPORTUNITY**

Karen Henderson, member of the Housing Authority of the County of Merced, states concerns with vacancies on this Committee and having the required quorum to conduct business and requests the Board appoint commissioners and submits a Letter dated July 2, 2009 from several members of the Housing Authority regarding vacancies.

Pamela Sweeten, Hilmar resident, states she is starting a neighborhood watch in this area and requests the County's support advising Turlock Irrigation District has partnered with them.

Jean Okuye, Valley Land Alliance, states concerns on land, air and water issues in the valley and the need to work together on sustainability of farmland. Ms. Okuye also expresses frustration working with the Planning Department regarding access to public records pertaining to minor subdivisions advising the time to review records is limited and not adequate and submits Letter dated July 7, 2009.

Diana Westmorland Pedrozo, Executive Director for Merced County Farm Bureau, appears and reiterates Ms. Okuye's concerns and questions the General Rule Exemption for Minor Subdivisions stating it is inappropriate to use and submits multiple documents relating to public records access use.

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

10:00 A.M. SCHEDULED ITEM **2009-07-07 PUBLIC WORKS – PUBLIC HEARING – ORDINANCE NO. 1866**

The time and date previously set for a public hearing to consider a Proposed Ordinance: An Ordinance Establishing the County Service Area Number One User Charge Rates for Zones of Benefit in the 2009/2010 Fiscal Year (Amends Ordinance No. 1848 and Chapter 5.64 of the County Code).

Public Works Director Paul Fillebrown 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 Nelson, duly carried, the Board waives further reading and adopts Ordinance No. 1866.

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

10:00 A.M. SCHEDULED ITEM
2009-07-07 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider an Application for 2009/2010 Community Development Block Grant (CDBG) Funds for First Time Homebuyer Assistance/Housing Rehabilitation Assistance and Public Service-Code Enforcement Activities in the unincorporated areas of Merced County.

Development Services Director Robert Lewis reviews the Staff Report.

Susan Atkins, Self Help Enterprises Representative, clarifies the target areas are Hilmar, Le Grand, Planada and Winton and requests this information be included as part of the package.

Ms. Atkins reviews and provides information on code enforcement funds.

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 authorizes submittal of the 2009-2010 Community Development Block Grant (CDBG) Grant Application to utilize funds for owner-occupied Housing Rehabilitation and Homebuyer Assistance in the amount of \$600,000 with \$400,000 for Housing Rehabilitation, \$200,000 for Homebuyer Assistance programs with \$55,500 of the funds to be set aside for Public Service-Code Enforcement Activities with Planning to return to the Board to accept the funding allocation if approved and adopts Resolution No. 2009-119.

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

10:00 A.M. SCHEDULED ITEM
2009-07-07 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider an Appeal of the Planning Commission Approval of Minor Subdivision Application No. MS08-023 filed by San Joaquin Raptor Rescue Center/Protect Our Water; said application submitted by V.O.J.E Inc. to divide a 53.37 acre parcel into two parcels: Parcel A=33.36 acres and Parcel B=20.01 acres on property located at the northeast corner of Arboleda Drive and Childs Avenue in Merced.

The Clerk announces a Request for Continuance has been received from Duane Andrews, Golden Valley Engineering & Surveying, on behalf of the Applicant Bud Wallace.

Development Services Director Robert Lewis states this request is the same as previous continuance requests.

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

Diana Westmoreland Pedrozo, Executive Director for Merced County Farm Bureau, speaks in support of the County Staff working on an in-house study of the impact of minor subdivisions in rural areas.

The Chairman closes the public hearing.

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board approves the request for a continuance to an undetermined date.

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

10:00 A.M. SCHEDULED ITEM
2009-07-07 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider an Appeal of the Planning Commission Approval of Minor Subdivision Application No. MS08-020 filed by San Joaquin Raptor Rescue Center/Protect Our Water; said application submitted by Frank Azevedo to re-divide three existing parcels totaling 139.7 acres into four parcel and a remainder parcel of: Parcel 1=20.0 acres, Parcel 2=23.0 acres, Parcel 3=23.0 acres, Parcel 4=39.6 acres and Remainder Parcel=34.1 acres on property located on the east side of Whitworth Road, 2,600 feet south of Gun Club Road in the Gustine area.

The clerk announces a Request for Continuance has been received from Robert Braden, Robert Braden Consulting, on behalf of the Applicant Frank Azevedo.

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

Diana Westmoreland Pedrozo, Executive Director for Merced County Farm Bureau, states concerns on a recent application on Cottonwood Road and a new house is in the middle of dying orchards and the impact on farming should be included in the proposed study of minor subdivisions in rural areas.

The Chairman closes the public hearing.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Nelson, duly carried, the Board approves the request for a continuance to an undetermined date.

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

ACTION ITEM NO. 42
2009-07-07 DEPT. OF ADMINISTRATIVE SERVICES

The Clerk announces the Time Management System procurement process submitted by Dept. of Administrative Services is before the Board for consideration.

Director of Dept. of Administrative Services Mark Cowart reviews the Staff Report advising the proposed system would eliminate timecards and pay for itself in about 18 months.

Following brief discussion and upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board authorizes the Dept. of Administrative Services, in conjunction with the Sheriff and Human Resources, to initiate the procurement process for a Time

Management System, select the most responsive provider to perform such services and negotiate a contract to be returned to the Board for final approval.

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

ACTION ITEM NO. 43

2009-07-07 PLANNING

The Clerk announces the Contract Addendum with Minitier Harnish for Consultant Services for the General Plan Update and EIR from Planning is before the Board for consideration.

Jim Harnish, Mintier Harnish, reviews the amendments and changes to the General Plan Scope of Work in four parts: additional work for EIR, work on overview of water issues, response to comments on first three issues and additional Study sessions and Public Outreach.

Diana Westmoreland Pedrozo, Executive Director-Merced County Farm Bureau, thanks the Board for including a water study.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board approves and authorizes the Chairman to sign Amendment to Contract No. 2006072 with Mintier Harnish for the General Plan Update and EIR.

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

ACTION ITEM NO. 48

2009-07-07 EXECUTIVE OFFICE

The Clerk announces the Contract for Parking Enforcement of County owned parking lots with the City of Merced from Executive Office is before the Board for consideration

County Executive Officer Dee Tatum reviews the Staff Reporting advising the County has contracted with the City in the past and it is recommended the proposed contract be approved with the City retaining all revenues generated from each citation issued.

Following discussion and questions, Assistant County Executive Officer Jim Brown states notification will be provided on the new enforcement.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2009174 with the City of Merced for Parking Enforcement of County owned parking lots for two years with revenues generated from parking citations going to the City of Merced.

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

ACTION ITEM NO. 49

2009-07-07 EXECUTIVE OFFICE

The Clerk announces the State of California IOU payments review from Executive Office is before the Board for consideration.

County Executive Officer Dee Tatum reviews the Staff Report and background on the State IOU process and states the IOU's are scheduled to be paid back sometime after October 1, 2009.

County Counsel James Fincher reviews potential problems advising each existing contract will have to be reviewed.

Following discussion, County Treasurer-Tax Collector Karen Adams states Wells Fargo Bank is taking the State IOU's until July 10, 2009, and further comments that the State of California is not full information regarding the Interest Rates or how the IOU's will be handled.

Following further discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board authorizes the County Executive Officer to review payment requests and contracts to determine when and how General Fund dollars should be used to cover the missed state payments, which will be issued as IOU's by the State Controller.

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

INFORMATION ITEM NO. 61

2009-07-07 U.S. DEPARTMENT OF INTERIOR

Supervisor Walsh requests further information on whether or not property taxes would reflect the percentage of PILT money Merced County receives.

County Treasurer/Tax Collector Karen Adams states she does not have the current information and will work with the Auditor to gather the information and it will be provided to the Board.

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