

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, JANUARY 18, 2011

Closed Session – 9:00 a.m.

Interviews – Mental Health Advisory Board – 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

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

LARRY T. COMBS
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

9:00 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 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 - Buildings 1248, 1509 and 1529

**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

**THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 9:30
A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN STATES
DIRECTION HAS BEEN PROVIDED TO STAFF**

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

9:30 A. M.

INTERVIEWS - MENTAL HEALTH ADVISORY BOARD

At-Large Positions: Three Vacancies, Expired Terms until 6/30/2011, 6/30/2012 and 6/30/2013. **Applicants:** Cora Gonzales and Deborah Albert
REVIEW BOARD ORDER – SEE PAGE 9

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 9

PRESENTATION - City of Merced Fire Chief - Recognition of Ken Mitten

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 16)

APPROVED AS RECOMMENDED AYES: ALL

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items #1 - 16)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Adopt Resolution authorizing the installation of an All-Way Stop at the intersection of Prairie Flower Road and August Road in Hilmar and authorize installation of Stop Signs on the August Road approaches to the intersection.

ADOPTED RESOLUTION NO. 2011-07

Health

2. Approve and authorize Chairman to sign Amendment to Contract No. 2007230 with State Dept. of Health for TB Control and Prevention Services for FY 2010-11 and approve necessary Budget Transfer-\$5,000. (4/5 Vote Required)

Dept. of Workforce Investment

3. Approve and authorize Chairman to sign Amendment to Contract No. 2011002 with State Employment Development Department for Modification One to Subgrant K178669 incorporating and adding 1st and 2nd Round of Adult, Dislocated Worker and Rapid Response Formula Funds to Merced County for Workforce Investment Act (WIA) Activities.

Fire

4. Approve Budget Transfer in the amount of \$3,000 for replacement of defective heater at Station 72.

Dept. of Admin. Services

5. Approve Budget Transfer in the amount of \$45,686 for replacement of Tape Library.
6. Approve Budget Transfer in the amount of \$8,500 for modular furniture for the new GIS Staff Transfer to Admin. Services.

Ag. Commissioner

7. Approve Budget Transfer in the amount of \$12,500 for truck repairs and to comply with safety and regulatory standards. (4/5 Vote Required)

Executive Office

8. Approve Travel Request submitted by Sheriff and recommended by Executive Office.
9. Act on Claims for Damages from Certain Underwriters at Lloyds, London as recommended by Counsel and Risk Management.

Board Recognition

10. Authorize Certificates of Recognition to 4-H Volunteers in recognition of Volunteer Service through various 4-H Clubs.

REVIEW BOARD ORDER – SEE PAGE 10

11. Authorize Certificate of Recognition to Tommy Jones for dedicated service to the City of Los Banos as Mayor and City Council Member.
12. Authorize Certificate of Recognition to Verizon Wireless in recognition of Ribbon Cutting.
13. Authorize Certificates of Recognition to Merced County Association of Realtors for the 2010 Year Awards: Tina DeLeon, President; Ernie Ochoa, Realtor of the Year; Debbie Breth, Affiliate of the Year; Loren Gonella, Jesse Fees Memorial Award; Bob Gilbert, Sr., Bill DeNero Memorial Award; Kay Flanagan-Spinelli, President's Award; Dido Krotik, Lifetime Achievement Award; Mike Salvadori, Flanadori Award; Connie Dalke, Michelle Gabriault-Acosta and Dan Hultgren, Directors for 2010.
14. Authorize Certificate of Recognition to California Homecare and Hospice in recognition of Ribbon Cutting.

Planning

15. Approve and authorize Chairman to sign Amendment to Contract No. 2011008 with George Reed, Inc. for EMKO Environmental, Inc., Consultant, to prepare hydrology and water quality study for an Environmental Impact Report for the George Reed Inc. Snelling Mine Expansion Project (MM09-002/GPA05-ZC05-010).
16. Approve and authorize Chairman to sign Amendment to Contract No. 2011009 with EMKO Environmental, Inc. to prepare hydrology and water quality study for an Environmental Impact Report for the George Reed Inc. Snelling Mine Expansion Project (MM09-002/GPA05-009/ZC05-010) and approve the necessary budget transfer-\$19,775. (4/5 Vote Required)

REGULAR CALENDAR

BOARD ACTION

MENTAL HEALTH

17. Contract with Willow Glen Care Center for the provision of residential care services for placement of consumers.

AUTHORIZED CONTRACT NO. 2011010 AS RECOMMENDED AYES: ALL

PLANNING

18. Contract with Jeffrey and Julie Mello for Willdan Engineering, Consultant, to prepare an Initial Study/Mitigated Negative Declaration for the Mello Trucking and Truck Storage Project (MM10-005) located in Stevinson.

AUTHORIZED CONTRACT NO. 2011011 AS RECOMMENDED AYES: ALL

19. Contract with Willdan Engineering to prepare an Initial Study/Mitigated Negative Declaration for the Mello Truck and Truck Storage Project (MM10-005) in Stevinson, lower the

professional liability amount from \$5 million to \$1 million and approve the necessary budget transfer-\$21,655. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2011012 AS RECOMMENDED AYES: ALL

PROBATION

20. Contract with Caseload PRO for Software as a Service (SaaS) to replace current adult case management system and approve the necessary budget transfer-\$38,730. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2011013 AS RECOMMENDED AYES: ALL

DEPT. OF ADMIN. SERVICES

21. Declare a passenger car, fire apparatus, generator, miscellaneous office furniture, assorted office equipment, and miscellaneous supplies identified in Exhibit A as Surplus Property and authorize its disposal through Internet Public Auction.

APPROVED AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

22. Approve the 2011 Legislative Agenda with any revisions as recommended by the Board; authorize Chair and County Executive Officer to periodically provide letters of support or opposition as needed based on any benefit or detriment to the County and direct Staff to forward the 2011 Legislative Agenda to Merced County's legislative representatives and advocates.

REVIEW BOARD ORDER – SEE PAGE 10

EXECUTIVE OFFICE

23. Personnel Actions - Interim Planning Director: Confirm the appointment of Public Works Director/Road Commissioner, Paul Fillebrown as the Interim Planning Director, Interim Secretary of the Airport Land Use Commission, Interim Secretary of the Planning Commission and Interim Planning Hearing Officer for the County of Merced; approve the 10% Salary Adjustment from Range 89.4 to Range 91.4 and approve the Resolution Amendments and, should the Board approve the above items, confirm completion of the Assistant County Executive Officer's duties as Interim Planning Director and Interim Secretary of the Airport Land Use Commission for the County of Merced.

REVIEW BOARD ORDER – SEE PAGE 11

BOARD OF SUPERVISORS

24. Authorize Special Board Project Funds-District Four in the amount of \$1,800 be forwarded to Hilmar Helping Hands to assist with the start up of Delhi community food closet.

REVIEW BOARD ORDER – SEE PAGE 11

25. PULLED

BOARD APPOINTMENTS

26. Lower San Joaquin Levee District - Appointed George Park to serve, filling an unexpired term of Henry Favier representing Merced County, until June 4, 2012.

APPROVED AS RECOMMENDED AYES: ALL

27. Planning Commission – Reappointed Greg Thompson to serve as District One representative until October 1, 2014.
APPROVED AS RECOMMENDED AYES: ALL
28. Planning Commission – Appointed Rich Ford to serve as District Four representative effective February 1, 2011 until October 1, 2014.
APPROVED AS RECOMMENDED AYES: ALL
29. Mental Health Advisory Board re: Appoint up to three At-Large Members of the Mental Health Advisory Board to fill the vacancies with terms expiring 6/30/2011, 6/30/2012 and 6/30/2013, based on the high score of candidates, if above the 70% threshold; and should no candidate be selected, direct the Clerk to continue to receive applications for the position that remains.
REVIEW BOARD ORDER – SEE PAGE 9

BOARD INFORMATION & POSSIBLE ACTION

- ACCEPTED AND PLACED ON FILE AYES: ALL**
30. Public Works re: Notification of Award of Contract No. 2010215 to Viking General Contractors for the Sheriff Dept. Main Jail Exercise Yard Screen Repair Project.
AWARDED CONTRACT NO. 2010215
31. Public Works re: Notification of Award of Contract No. 2010245 to Carter Construction for the Snelling Courthouse Wall Repair Project.
AWARDED CONTRACT NO. 2010245
32. Human Resources re: Nepotism Policy Operations Directive #10-102 will supersede and replace Operations Directive #06-67.
33. CSAC Excess Insurance Authority re: Copy of the 2010 CSAC Excess Insurance Authority Annual Report. (On file with Clerk)
34. State Dept. of Water Resources re: Copy of Region Report entitled "San Joaquin Valley Drainage Monitoring Program 2003-2005", statistical data on the quality and quantity of subsurface agricultural drainage water on the west side of the Valley, the report is available at: <http://www.water.ca.gov/publications/browse.cfm> under the Agricultural Drainage Publication link. (Report is 120+pages and is on file or accessible at State website)
35. State Water Resources Control Board re: Notice of Preparation of Environmental Impact Report /Initial Study Checklist and Notice of Public Workshops - California Environmental Quality Act Scoping Meetings for the proposed Wetland Area Protection Policy and Dredge and Fill Regulations (Project) due February 15, 2011.
36. State Water Resources Control Board re: Notice of Public Workshop to receive comments regarding a Draft Cease and Desist Order Against Woods Irrigation Company for Threatening Unauthorized Diversion and Use of Water from Middle River in San Joaquin County on January 18, 2011.
37. State Water Resources Control Board re: Notice of Cancelled Public Hearings and withdrawal regarding Cease and Desist Orders against Nelly Mussi and Rudy Mussi Investment, LP for diversion from Whiskey Slough and Juan Navarro for diversion from Middle River in San Joaquin County previously set for June 7 and July 7-9, 2010.

38. State Water Resources Control Board re: Notice of Public Comment for Draft Statewide National Pollutant Discharge Elimination System (NPDES) Permit for the Discharge of Storm Water Runoff from the Calif. Dept. of Transportation's (Department) Municipal Separate Storm Sewer System (MS4) set for March 14, 2011.
39. State Water Resources Control Board re: Notice of Postponement of Public Hearing for Charles Grace, Wastewater Treatment Plant Operator Certification from Grade V to Grade II previously set for February 8, 2011 has been postponed indefinitely.
40. State Water Resources Control Board re: Notice of Opportunity for Public Comment on Underground Storage Tank (UST) Cleanup Fund (Fund) Meeting notification for Case Closure Recommendation, pursuant to Health and Safety Code Section 25299.39.2: Claim Number 730; Site Address: Nella Oil #5, 13461 Bowman Road, Auburn, CA 95603 on February 15, 2011.
41. State Water Resources Control Board re: Notice of Opportunity for Public Comment on Underground Storage Tank (UST) Cleanup Fund (Fund) Meeting notification for Case Closure Recommendation, pursuant to Health and Safety Code Section 25299.39.2: Claim Number 15803; Site Address: Geremia Pools, Inc., 1327 65th Street, Sacramento, CA 95819 on February 15, 2011.
42. State Water Resources Control Board re: Notice of Opportunity for Public Comment on Underground Storage Tank (UST) Cleanup Fund (Fund) Meeting notification for Case Closure Recommendation, pursuant to Health and Safety Code Section 25299.39.2: Claim Number 7199; Site Address: Harry Boyanjian (Abandoned Service Station) 5851 Fair Oaks Boulevard, Carmichael, CA 95608 on February 15, 2011.
43. State Water Resources Control Board re: Notice of Opportunity for Public Comment on Underground Storage Tank (UST) Cleanup Fund (Fund) Meeting notification for Case Closure Recommendation, pursuant to Health and Safety Code Section 25299.39.2: Claim Number 3594; Site Address: Lawrence Mayflower Moving & Storage, 908 20th Street, Sacramento, CA 95814 on February 15, 2011.
44. State Water Resources Control Board re: Notice of Opportunity for Public Comment on Underground Storage Tank (UST) Cleanup Fund (Fund) Meeting notification for Case Closure Recommendation, pursuant to Health and Safety Code Section 25299.39.2: Claim Number 10944; Site Address: Gold Rush Recycling, 6545 Fair Oaks Blvd., Carmichael, CA on February 15, 2011.
45. State Water Resources Control Board re: Notice of Opportunity for Public Comment on Underground Storage Tank (UST) Cleanup Fund (Fund) Meeting notification for Case Closure Recommendation, pursuant to Health and Safety Code Section 25299.39.2: Claim Number 14725; Site Address: 7475 14th Avenue, Sacramento, CA 95820 on February 15, 2011.
46. State Water Resources Control Board re: Notice of Board Meeting/Hearing & Workshop set for January 18 and 19, 2011.
47. U.S. Dept. of the Interior, Bureau of Reclamation re: December, 2010, Mid-Pacific Region Pamphlet.
48. Verizon Wireless re: Notification Letter for Le Grand B of California RSA No. 4 Limited Partnership (U-3038-C), of California - Madera, CA RSA, CPUC Cell Site Report, construction installation and maintenance of a new unmanned wireless telecommunications

facility consisting of a 150' monopole with twelve panel antennas, one 12' x 20' pre-fabricated equipment shelter and one standby generator located at the base of the tower.

49. State Fish and Game Commission re: Notification of readopted emergency regulations concerning Stewarts Point State Marine Reserve and Stewarts Point State Marine Conservation Area.

ADOPTED RESOLUTIONS IN MEMORY OF ROBERT "BOBBY" HARO AND ROBERT DEANS AND ADJOURNED MEETING UNTIL TUESDAY, FEBRUARY 1, 2011 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JANUARY 18, 2011

9:30 A.M. SCHEDULED ITEM/ACTION ITEM NO. 29
2011-01-18 INTERVIEWS – Mental Health Advisory Board

The time and date previously set for Interviews for Three (3) At-Large Members to be appointed by the Board of Supervisors to serve on the Mental Health Advisory Board.

The Board interviews Cora Gonzales.

Management Analyst Angelo Lamas states Ms. Deborah Albert is not present.

Later in the day, the Clerk announces Action Item No. 29, Appointment to the Mental Health Advisory Board, At Large representative, is before the Board for consideration.

Management Analyst Lamas advises the score for the applicant interviewed met the criteria of 70% of the threshold with the score of 372.

Upon Motion of Supervisor Kelsey, seconded by Supervisor O'Banion, the Board appoints Cora Gonzales to serve as the At-Large Member of the Mental Health Advisory Board until June 30, 2013.

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

10:00 A.M. SCHEDULED ITEM
2011-01-18 PUBLIC OPPORTUNITY

Bill Aires, VFW Post No. 4327 Representative, appears and expresses concerns with the Veterans Memorial Building contract stating there is suppose to be a Hall Board and there never has been one to-date. He requests the Board check into the Hall Board matter and would like a representative from the Board of Supervisors to chair the Hall Board.

Supervisor Pedrozo states he has been in contact with Commander John Bain regarding this matter and a meeting is scheduled with Mr. Bain, Supervisor Walsh and Public Works.

The Chairman closes the public opportunity.
Present: Pedrozo, Walsh, Davis, Kelsey, O'Banion

CONSENT ITEM NO. 10

2011-01-18 BOARD OF SUPERVISORS

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board authorizes Certificates of Recognition to the following individuals for their commitment and dedication as 4-H Volunteers:

Ballico-Cressey 4-H Club - Silver Clover Award: Barbara Hunsuck

Dos Palos 4-H Club - Silver Clover Award: Melinda Jones, Stacie Hanson and Katherine Coleman

El Nido 4-H Club - Silver Clover Award: Trena Johnson

Hilmar Colony 4-H Club - Silver Clover Award: Sheri Maciel

Lancers 4-H Club - Silver Clover Award: Tiffany Heyer; Rollo Spina Leader Award: Kimberly Heyer

Le Grand 4-H Club - Silver Clover Award: Amber Baker and Megan Tapely

McSwain 4-H Club - Silver Clover Award: Michelle Cordeiro, Debra Court, Lisa Gillard-Viney, and Edie Lough; Gold Clover Award: Laurie Bazan; Ruby Clover Award: Carole Dietz

Our Lady of Fatima 4-H Club - Silver Clover Award: Brian Little

Snelling 4-H Club - Silver Clover Award: Jennifer Pucket

Southwest 4-H Club - Silver Clover Award: Julia Catchings

Weaver 4-H Club - Silver Clover Award: Jennifer Bertuccio and Marlene Murphy

Westside 4-H Club - Silver Clover Award: Todd Leonard; Gold Clover Award: Becky Smith

Countywide 4-H Club - Gold Clover Award: Mark Mahacek; Diamond Clover Award: Kenneth Zacharias

St. Anthony's 4-H Club - Emerald Clover Award: Jose Campos

Tak Date Service Award: Castle Challenger Learning Center Foundation

UCCE Merced County Master Gardener Recognition: Jay Herbrand, 250 hours; Elaine Parker, 250 hours; Diane Penders, 250 hours; Pamela Cornelison, 500 hours

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

ACTION ITEM NO. 22

2011-01-18 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

The Clerk announces the 2011 Legislative Agenda is before the Board for consideration.

Commerce, Aviation and Economic Development Director Mark Hendrickson provides a brief overview of the legislative platform stating the County reviewed prospective legislation which would be financially and programmatically advantageous to the County.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Davis, duly carried, the Board approves the 2011 Legislative Agenda as recommended, authorizes the Board Chairman and County Executive Officer to periodically provide letters of support or opposition as needed based on any benefit or detriment to the County of Merced and directs staff to forward the 2011 Legislative Agenda to Merced County's legislative representatives and advocates.

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

ACTION ITEM NO. 23

2011-01-18 EXECUTIVE OFFICE

The Clerk announces Personnel Actions on the Interim Planning Director is before the Board for consideration.

County Executive Officer Larry Combs reviews the recommendation stating the action is a temporary consolidation of Public Works and Planning Departments and will save the County \$200,000+ a year.

Following discussion and upon motion Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board confirms completion of Assistant County Executive Officer Jim Brown duties as Interim Planning Director and Interim Secretary of the Airport Land Use Commission for the County of Merced; confirms the appointment of Public Works Director/Road Commissioner Paul Fillebrown as the Interim Planning Director, Interim Secretary of the Airport Land Use Commission, Interim Secretary of the Planning Commission and Interim Planning Hearing Officer for the County of Merced; approves the 10% Salary Adjustment from Range 89.4 to range 91.4, and approves amendments to Personnel Resolutions and adopts Resolution No. 2011-08 (Salary) and Resolution No. 2011-09 (Position Allocation).

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

ACTION ITEM NO. 24

2011-01-18 BOARD OF SUPERVISORS

The Clerk announces Special Board Project Funds for District Four is before the Board for consideration.

Supervisor Davis questions the Food Banks established in Delhi.

Supervisor Kelsey reviews the food bank programs established in the area.

Brian Simms appears stating he is trying to establish his own nonprofit with alternative energies and questions what is required to get Board support and funding.

Chairman Pedrozo suggests an appointment be made with the County Supervisor that represents his district.

Upon motions of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board authorizes \$1,800 from Special Board Project Funds-District Four be forwarded to Hilmar Helping Hands to assist with the start up of Delhi Community Food Closet.

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